VIOLENCE IN ISLAMIC THOUGHT FROM THE QUR'ĀN TO THE MONGOLS

Legitimate and Illegitimate Violence in Islamic Thought

Series Editors: István Kristó-Nagy and Robert Gleave

This three-volume series examines the promotion and condemnation of violence in Islamic thought from the earliest period of Islam to the present day. Asking how violence has been justified by Muslims in the past and in the present, these studies show how violence has been legitimised, normalised or censured by Muslims, tracing the history of the argumentation across time and between regions and traditions. The stale media debate about Islam as a violent or non-violent religion is here rejected in favour of a nuanced approach which examines a variety of intellectual disciplines and literatures, examining how violence was processed by Muslim thinkers, such as scholars of law and religion, historians, poets and artists, through time. The result is a striking variety of approaches to violence, and a diversity of conceptions of legitimate and illegitimate violent acts. The series aims to alter how the relationship between violence and Islam is characterised both within and outside of academia.

Volume 1: Violence in Islamic Thought from the Qurʾān to the Mongols

Volume 2: Violence in Islamic Thought from the Mongols to European Imperialism

Volume 3: Violence in Islamic Thought from European Imperialism to the Present Day

VIOLENCE IN ISLAMIC THOUGHT FROM THE QUR'ĀN TO THE MONGOLS

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The Legitimate and Illegitimate Violence in Islamic Thought Project
(www.livitproject.net) funded by the RCUK Global Uncertainties Programme,
administered through the Economic and Social Research Council

EDINBURGH
University Press

In memory of
Thomas Sizgorich (1970–2011)

Edinburgh University Press Ltd
The Tun – Holyrood Road
12 (2f) Jackson's Entry
Edinburgh EH8 8PJ
www.euppublishing.com

Typeset in JaghbUni by
Servis Filmsetting Ltd, Stockport Cheshire,
and printed and bound in Great Britain by
CPI Group (UK) Ltd, Croydon CR0 4YY

A CIP record for this book is available from the British Library

ISBN 978 0 7486 9423 5 (hardback)
ISBN 978 0 7486 9424 2 (webready PDF)
ISBN 978 1 4744 0345 0 (epub)

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DATES AND ABBREVIATIONS

All sole dates are according to the Christian (*mīlādī*) calendar. When in pairs, the dates are ordered *hijrī/mīlādī*, unless there is a specific reference of *shamsī* for a *hijrī shamsī* date. The various editions of the *Encyclopedia of Islam* (published by Brill) are abbreviated to *EI1*, *EI2* and *EI3* in the notes, with full online references (with weblinks) given in the bibliography. *Encyclopedia Iranica* (various publishers, but available online) is abbreviated to *EIr* in the notes, with full online references given in the bibliography.

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1

INTRODUCTION

István T. Kristó-Nagy and Robert Gleave***

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ [...]

And do not kill the soul which Allah has forbidden, except by right.[1]

The topic of *Legitimate and Illegitimate Violence in Islamic Thought* (LIVIT) calls for an interdisciplinary, comparative and historical approach. This has been the underlying methodological assumption within the project which bore this name. Amongst the products of that three-year project is a series of collected studies by established and emerging scholars in the field, examining how Muslim thinkers have conceptualised violence and categorised (morally and legally) acts of violence. In this opening chapter, István Kristó-Nagy first explores how violence in Islamic thought can be set against a wider consideration of violence in human history. It is this comparative perspective which contextualises not only this volume, but also the two subsequent volumes in the LIVIT series. In the second half of this chapter, Robert Gleave explains how this volume is

* István T. Kristó-Nagy, University of Exeter (2010–13, Research Fellow, Legitimate and Illegitimate Violence in Islamic Thought Project, 2013–, Lecturer in Arabic and Islamic Studies). I would like to thank Drs John Cooper and William Gallois, who emended drafts of the first part of this chapter.

** Robert Gleave, University of Exeter (Professor of Arabic Studies and Director of the Legitimate and Illegitimate Violence in Islamic Thought Project).

1. Q 17:33 (trans. 'Saheeh International' team). Available at: http://www.quranabc.com/quran/#/The%20Qur'an/392; http://quran.com/17/33; http://corpus.quran.com/translation.jsp?chapter=17&verse=33 (accessed 1 June 2014). We wish to express our gratitude to Professor Ian Netton for the idea to use this extract as an opening quotation.

structured, addressing the different approaches used by the contributors, and examines the different ways in which violence can be categorised.

* * * *

I: VIOLENCE, OUR INHERENT HERITAGE

Before exploring our social, religious, intellectual or moral history, understanding our biological history is essential. Medieval philosophy, both Muslim and Christian, generally accepted an idea derived from Aristotle[2] and illustrated on the 'Porphyrian tree':[3] man is a rational animal.[4] We might, indeed, prefer to think that we are primarily spiritual, rational and moral beings. Our behaviour, however, does not always correspond to such an angelic ideal. If we misapprehend our essential nature, we can hardly control it. Understanding how we are, and reasoning about how we want to be, can get us closer to the latter.

This introductory study is intended neither to offer a survey of the immense scholarly literature on violence, nor to represent a set of ideas agreed to by all the contributors to this series. It is a summary of my highly personal and by-no-means definitive thoughts. The first section is composed of two parts, in which I argue that all our violence is rooted in our common genetic heritage. The second section of this study is composed of five parts, in which, with a focus on violence, I discuss how our cultures, including religion in general and Islam in particular, developed in interaction with our biological heritage and our social and civilisational evolution.

2. S. M. Cohen, 'Aristotle's metaphysics', in *The Stanford Encyclopedia of Philosophy* (Summer 2014 edn), ed. E. N. Zalta. Available at: http://plato.stanford.edu/entries/aristotle-metaphysics/ (accessed 1 June 2014); A. Thomasson, 'Categories', in *The Stanford Encyclopedia of Philosophy* (Fall 2013 edn), ed. E. N. Zalta. Available at: http://plato.stanford.edu/entries/categories/ (accessed 1 June 2014).
3. See, for instance, the entry 'Arbor porphyriana', in *Cyclopædia: Or, An Universal Dictionary of Arts and Sciences* (2 vols), ed. E. Chambers (d. 1740) (London, 1728), 1, p. 128. Available at: http://digicoll.library.wisc.edu/cgi-bin/HistSciTech/HistSciTech-idx?type=turn&id=HistSciTech.Cyclopaedia01&entity=HistSciTech.Cyclopaedia01.p0168 (accessed 1 June 2014).
4. See the section '5.2 William of Ockham (b. c. 1285, d. 1347)', in J. Gracia and L. Newton, 'Medieval theories of the categories', in *The Stanford Encyclopedia of Philosophy* (Fall 2012 edn), ed. E. N. Zalta. Available at: http://plato.stanford.edu/entries/medieval-categories/#WilOckBCa128D134 (accessed 1 June 2014); J. Franklin, 'Aristotle on species variation', *Philosophy* 61.236 (April 1986), pp. 251–2.

OUR BIOLOGICAL HERITAGE

Violence in the Living World

While providing an absolute definition to a concept such as violence is impossible, striving for a working definition can help our comprehension. For our purposes, it might be useful to restrict the use of the term to living beings, thus our working definition for violence can be *any detrimental act performed by a living being against a living being*. As non-living beings do not have feelings, violence is probably not the right term to apply to their harm or destruction, except when living beings are also touched. When a stone is shattered by another stone, it is just movement and change.

The distinction between what belongs to the realm of living or non-living beings can, however, be uneasy: for instance, one is inclined to term as violence the mutilation of dead bodies, demolition of monuments or oppression of thoughts. All beings, including living ones, are systems, which are composed of smaller systems and constitute bigger ones. In fact, the borders of an individual living being are as impossible to define as the borders of any other physical body. A living being can do violence to itself, parts of it can do violence against the whole and against each other, while the whole can do violence against its parts as well; suffice to mention the complex intra-individual struggles in cases of autoimmune diseases or cancer.

Neither is it clear whether an action against a living being means one against its interests or intentions. An action might serve one's interests even if it is performed against one's intentions. The problem of sacrifice and self-sacrifice is also related to that of interests and intentions, for in such cases the violence is committed with the intention of avoiding major harm and/or achieving a major benefit. Insisting on the intentionality of the action would pose other questions. Can we label a virus attack on a host cell as intentional? Can we describe as unintentional a man's action of walking on a rainy night and inadvertently killing snails when he knew that snails proliferate on such nights? The concept of violence escapes clear definition. Nonetheless, we can perhaps conclude that violence is a biological phenomenon, rooted in the constant change which runs the world.

Without trying to elaborate on the infinite complexity of interactions between living beings, it is obvious that competition and predation involve violence. Eating usually harms the eaten, though there are many exceptions, such as scavenging, consumption of ripe fruits and drinking one's mother's milk. Life is replete with violence. All living beings, even plants, apply it in a direct or indirect way and it is likewise applied against all of them.

Violence exists within a species as well: intra-species predation (cannibalism) is rare, because species that eat their own kind risk dying out, but competition is ubiquitous. Nevertheless, intra- and inter-species cooperation is also omnipresent. The most obvious example is that individuals of many species need a mate to produce an offspring. Even the violence effected by individuals or groups of a species against those of another can be considered as collaboration between the two species, for the predators play a crucial role in the natural selection of the prey and keep their population healthy.

Intra- and inter-species collaboration has been always vital. Nevertheless, the level varies greatly from species to species, and even individuals or groups of the same species can behave differently depending on the circumstances. In general, collaboration becomes more and more flexible with the higher intellectual abilities of the participants. Intelligence allows greater adaptation to challenges during the lifetime of the individual, and if it is paired with communicative abilities, its results can be accumulated as culture. Primates are usually social animals. Reciprocity and fairness, empathy and compassion play an important role in their behaviour.[5] Fairness could be easily equated with egalitarianism, but hierarchy is deeply rooted in animal communities. In primate communities composed of many families, even a hierarchy between the families can exist: the phenomenon that a 'highborn' neonate has a higher social status than a 'lowborn' adult does not appear only in human societies. Breaking social norms is avenged in animal as well as in human societies.[6]

Revenge is a deep-rooted behaviour. It is an evident deterrent and its efficiency is enhanced by advertising and the ability of the potential offender to understand that causing harm to the offended will not be inconsequential. Innumerable invertebrate and vertebrate species display their real or pretended ability to harm those trying to harm them. Vengeance threatens to strike the offender even after the offence; it is an immediate or delayed riposte to an attack. To flee or fight when facing violence is often a choice to consider. Seeking vengeance might be also more harmful than useful. It is senseless to fight or seek vengeance against enemies and rivals that are too strong. Moreover, shared interests might be more important than revenge if the violence happens between individuals of the same species and this species is characterised by intensive social behaviour. Reactions

5. See a short presentation by Frans de Waal giving a taste of his research: *Moral Behavior in Animals* (TEDxPeachtree, November 2011). Available at: http://www.ted.com/talks/frans_de_waal_do_animals_have_morals.html (accessed 1 June 2014).
6. T. J. Bergman, J. C. Beehner, D. L. Cheney and R. M. Seyfarth, 'Hierarchical classification by rank and kinship in baboons', *Science* 302 (14 November 2003), pp. 1234–6.

to violence of individuals of such species, including primates, vary between flight or fight and seeking vengeance or reconciliation.[7]

Violence in Humans

Humans are social animals. We are characterised by low individual and high group aggression. Murder is atypical, but war is typical. Violence against personal enemies within a group is condemned, but against unknown members of another group is heroism.

Whilst humans, individually, are not the strongest animals physically, in a group, they form a fearsome force. The relative weakness of the individual shows the strength of the group, which is able to defend its members. The fact that women and their children can survive a long labour and the subsequent years while human babies are still highly dependent demonstrates the group's capability to protect them against any predators.

We are social beings, highly dependent on one another, and this explains the low level of internal violence in a human group. But our violent behaviour against alien groups is also genetically coded. For most of its history, humanity lived in small groups of relatives. Human groups are flexible and can survive and flourish in different habitats. These habitats were nevertheless limited, thus human groups rivalled each other. Due to this group rivalry, group violence was biologically rewarded. When a more aggressive group chased away or massacred an adjacent group, they had the chance to acquire resources. Their descendants populated the lands of the defeated and their genes, including those responsible for their violent behaviour, thrived. Wars were carried out mainly by males, and they had the option to exterminate only the men of a rival group and appropriate their women. This behaviour resulted in the mixing of genes, but also in a faster populating of the conquered land.

We might not like to acknowledge it, but we are the descendants of those who massacred others, and we have the genetic print of foragers, warriors and rapists. Greek – or, indeed, any other – mythology and art unveils this dark side of our nature. Giambologna's *Rape of the Sabine Women* is one beautiful example, linked as it is to the myth of Rome's foundation. Another is Homer's joyous description of how Odysseus, a man of reason, indiscriminately massacres his wife's suitors and hangs the twelve household maids who made love with them.[8]

7. See above, p. 4, n. 5; F. de Waal, *Peacemaking among Primates* (Cambridge, MA, 1990).
8. Homer, *The Odyssey*, Book 22.

Islamicate[9] culture offers countless examples of a mixture of sophisticated art, humour and violence.

We do seem to enjoy violence and have a penchant for mass murder, especially if the difference between *our* group and *their* group is obvious. The efficiency with which men perform genocide indicates, perhaps, that racism is in our very nature. Racism is not a perfectly fitting term, however, for our violence can be directed against *any other group*. Nevertheless, the bigger the difference, the easier the kill; thus, if our skin and face do not sufficiently distinguish us from our opponents, we do our best to make our appearance dissimilar to theirs and akin to our group. Our forefathers fighting their enemies in hand-to-hand combat wore distinct, bright colours and dehumanising images to frighten the other. Military uniforms are more uniform today, because all armies intend to imitate the strongest forces; and they are less spectacular, because modern guns kill from afar, and it is better to hide one's troops from them.

Violence between communities of the same species characterises many animals living in groups. The common chimpanzee also expands its territory by launching lethal raids into the territory of an adjacent group.[10] We do not know whether chimpanzees have moral concerns about such acts, but such concerns are well known in the case of humans. Why do we disapprove of this side of our deepest nature?

The next part is an attempt to sketch the technical, economic, social, religious-ideological and moral evolution of humankind and its affects on our assessment of violence.

OUR CULTURAL HERITAGE

Collaboration and Civilisation

As we are social animals, we like collaboration with our associates. While we have a high level of group violence, we also have a high level of group solidarity.

9. In this study I use the two neologisms, 'Islamdom' and 'Islamicate', introduced by M. G. S. Hodgson, *The Venture of Islam* (3 vols) (Chicago, 1974), 1, pp. 57–60.) Hodgson recognised that in spite of the fact that in pre-modern societies it is impossible to make a clear-cut distinction between the religious and secular realms of life, it is still necessary to distinguish between ideas and acts that belong to Islam as a religion and between those that belong to people living in Islamdom (that is, societies dominated by Muslims), but cannot be justly called Islamic.
10. J. C. Mitani, D. P. Watts and S. J. Amsler, 'Lethal intergroup aggression leads to territorial expansion in wild chimpanzees', *Current Biology* 20.12 (22 June 2010), pp. R507–8. Available at: http://ac.els-cdn.com/S0960982210004598/1-s2.0-S0960982210004598-

Like the former, the latter has been genetically encoded. Working for 'higher' goals than our individual pleasure has also been biologically rewarded.[11] Indeed, altruism can be the highest level of egoism. Individuals compete with one another within their group, but they can also sacrifice their interests and, indeed, their life, such as in war, for their community.

Human communities changed radically with the evolution of civilisation. When people started to produce their food instead of gathering or hunting for it, they began to transform their environment, selecting – more or less consciously – species they preferred and weeding out the undomesticated. At the same time, their own society changed. Where livestock breeding was possible, it allowed many more people to live on the same territory than hunting did; and where cultivation was possible, it was even more efficient in raising the population. As compared to the pace of biological evolution, this change occurred at a revolutionary speed, leaving our biology struggling to keep up with it.

The most important changes were the following: the size of human groups grew; they became less and less genetically and more and more culturally defined; and the evolution of civilisation was characterised by the division of labour, differentiation of roles and a steeper hierarchy. Our genes are mostly the same as that of our hunter-gatherer ancestors, but their way of life survives only in extremely remote territories and minute populations. Nomadic tribal societies based on livestock breeding were highly important actors for most of the historical period, but the majority of people already lived on those territories that allowed intensive agriculture, requiring highly hierarchical social structures.

Intensive agriculture allows and requires the collaboration of much larger groups that our brain is able, evolutionally, to cope with.[12] The more efficient the modes of production became, the further we departed from the way of life that evolved together with our previous biological evolution. Biological challenges have not ceased to exist with the rise of civilisation, which itself brought new alimentary patterns and facilitated the transmission of diseases to humans from domesticated animals and between the human groups in densely populated areas. Nevertheless, the success of a group depended less and less on their genes and more and more on their culture.

main.pdf?_tid=413b5170-e4fc-11e3-a8cb-00000aacb360&acdnat=1401125963_c5b7755ae02bdb161d9e37f45d707dd2 (accessed 1 June 2014).

11. This is my personal interpretation of a recent study by B. L. Fredrickson et al., 'A functional genomic perspective on human well-being', *Proceedings of the National Academy of Sciences of the United States of America*, *PNAS* 110.33 (13 August 2013), pp. 13684–9. Available at: http://www.pnas.org/content/110/33/13684.full (accessed 1 June 2014).
12. R. Dunbar, *How Many Friends Does One Person Need?: Dunbar's Number and Other Evolutionary Quirks* (Cambridge, MA, 2010), Chapter 3, pp. 21–34.

Culture and Identity

It is the flexibility of our brain as a piece of hardware that allows different civilisational toolkits, including modes of productions and corresponding social structures, to run on it. The software is installed into the mind of the individuals forming their given society throughout their education and life. It lives in interaction between our brains and our societies. Individual and collective inventions produce the upgrades, which usually respond to new challenges. But, while the frequency of the updates to the different kinds of cultural software have been exponentially rising, changes in the biological hardware have remained relatively slow. Some of the crucial characteristics of this hardware have already been mentioned: outstanding intellectual abilities, an aptitude for collaboration, group solidarity and group violence. These characteristics have changed little for thousands of years; what has changed is the size and complexity of the groups.

We share our human body with other living beings, whose number is about ten times more than that of human cells. They constitute our microbiome. We inherit them from members of the community surrounding us, primarily our mothers, and some are absolutely necessary for our survival. For the sake of simplicity, the relationship between the human body and the cultures of microorganisms living within it can be described as symbiotic (when both the human body and the microorganisms benefit from it), commensal (when the microorganisms benefit, and the human body is unaffected) or pathogenic (when the microorganisms benefit, but the human body is negatively affected). In fact, this tripartite classification reflects more the structure of our logic[13] than the complex nature of these relationships. For instance, even a symbiotic relationship can turn pathogenic.[14]

It is useful to compare the cultures of the microbiome inhabiting our body to the cultural elements inhabiting our mind. The latter are also inherited from our parents and are acquired both passively and actively from our environment.

13. This is itself rooted in our biology; see I. T. Kristó-Nagy, 'Denouncing the damned Zindīq! Struggle and interaction between monotheism and dualism', in *Accusations of Unbelief in Islam: A Diachronic Perspective on Takfīr*, eds C. Adang, H. Ansari, M. Fierro and S. Schmidtke (Leiden, forthcoming); and below, the chapter 'Who instigated violence: a rebelling devil or a vengeful god?' The logical structure above, which adds the category of 'neutral' to the fundamental categories of 'good' and 'bad', becomes five in the *sharīᶜa*: *wājib* (obligatory), *mustaḥabb* (desirable), *mubāḥ* (neutral), *makrūh* (detestable) and *ḥarām* (forbidden).
14. For research on these relationships, see, for instance, the website of the *Human Microbiome Project*. Available at: http://www.hmpdacc.org/ (accessed 1 June 2014).

They live with and within us, though we have also inherited and developed ways to communicate and record them using materials outside of our bodies. This is similar to the case of many microorganisms able to survive in the outside world before finding a new host. Their relationships with us are similarly complex. Some which are useful to us can also be harmful.

This applies, for instance, to those cultural elements that form our group identities. They are necessary, for we survive much better in groups; however, the super-individual structures that they help us to form and force us to comply with can oppress the individual. In fact, they serve and harm us even at the same time, and it is often not obvious whether the interest of the individual or the interests of the community prevail, or whether some cultural elements and the superstructure became parasitic, oppressing the individual and perhaps even acting against the interests of the community.

A superstructure that harms the individuals that constitute it is a similar malformation to cancer, when cells, elements of the organism, start harming it. And the case when cultural elements incite such parasitic behaviour of the super-organism is similar to when elements of our microbiome generate cancer. The infraorganisms that build us and superorganisms we form are in constant and multifaceted interaction with our biological and mental microbiome.

Collective identities are based on shared elements of culture. Thus, every element of culture is an identity-maker, and some only serve the purpose of strengthening collective identities. Such are, obviously, those elements which define groups, and their identities, including our knowledge about our relatives and the expectations and obligations linked to this status or to members of our community as compared to members of other ones.

Violence in Civilisation

When humans invented modes of production, such as breeding and agriculture, this also entailed fundamental changes to social organisation. And with a change in social organisation, new identities and ideologies appeared. These evolved in parallel with the new, bigger communities, which were based not only on kinship, but on economic cooperation, even between people not related to each other. Kinship can be based on common ancestry or a common future. The husband of my daughter will be the father of my grandchildren, so he is my kin.[15] But the new groups grew too fast to allow for everyone joining them to be intermarried. Nevertheless, common interests, well-organised uses of coercion and identity-making ideologies helped their coalescence.

15. Dunbar, *How Many Friends Does One Person Need?*, p. 39.

The new ideologies used the phraseology of ancestral kinship. At the union of tribes, new common ancestors were customarily found. Members of communities often call each other 'brother' and 'sister' even today; leaders, including priests (and gods), are called 'father' (and 'mother') and they address their followers as 'sons' and 'daughters'. The inherited biological pattern also survives in attitudes towards intra- and inter-group violence: while the new communities condemn killing within the group, violence continues at the border of the group, applied against others.

One of the most important identity-makers and ideologies is religion.

Religion

Religion is too general and multifaceted a phenomenon to be properly defined, but one of its main functions is identity-making. Others are to give an explanation for the universe and its order; sanctification to this order, including social norms; and hope. Pain, fear (including fear of death), as well as joy, desire, reason, compassion and conscience evolved as biological tools favouring survival, but they form an uneasy mixture. Our reason discovers some fundamental, rather unpleasant and absolutely unavoidable problems, which it can hardly resolve. They are primarily existential: why we suffer and why we die; and second, moral: why we make others suffer and kill them. We all suffer and die, and for our very existence we need to kill other living beings. Religion offers an intellectual and emotional reply to such disturbing questions. The solutions of Christianity and Islam are highly ego-, community- and anthropocentric: they are centred on the salvation of the individual, his religious community and – if liberally understood – men in general (including even women). The case of other living beings is treated tangentially.

As a heuristic distinction, the more a set of views is evidence-based, the more we can call it 'scientific'; the more it is expectation-based, in terms of faith, doctrine, norms and hope, the more we can call it 'religious'. The more 'scientific' thinking leaves us emotionally unsatisfied, the more we prefer 'religious' thinking. 'Scientific' thinking cannot provide absolute knowledge, understanding and security, but this is what we pine for, and this is what religious thinking promises.

Religion's irrationality has deep reasons. Religious reasoning is often a more or less conscious attempt to overcome reason. For instance, there is nothing more contrasting to the evidence of the ubiquitous presence of suffering than the idea that this world is created by an absolutely omnipotent and absolutely good, unique God. If this idea has nonetheless been embraced by countless people, it is due to the very omnipresent evidence against it. The unsolvable problem of suffering and

death calls for a 'religious' solution: belief in what we would like to exist, in order to help ourselves to bear what we experience. *Credo quia absurdum*. Our 'scientific' knowledge is relative and limited, thus we believe in what we do not know, but would like to be absolutely sure we know. As fideism is an easy object for rationalist criticism, it is rarely admitted. Human reason is very strong in (pseudo-) rationalising emotionally motivated actions and views. Faith is frequently rationalised and presented as superior knowledge, and religion as the ultimate science, while violence occurs again and again against those who dare to trouble the emotional security based on the absolute certainty of religious convictions.

Religion has been the conscience of most human societies. It has been highly efficient in appeasing conflicts and reducing violence within the group, which grew much larger than the ancestral biological one. Since our neighbours within the community with whom we share economic interests and cultural identity are considered our brothers in religion – even if we are not related biologically related to them – we are not supposed to kill them. On the other hand, religion has also been effective in fuelling violence by sanctifying it against members of other groups/communities, and of one's own, if they dare to challenge the norms and interests of the community and its leaders. Killing in the name of the right religion, community and God (or Gods) is morally much more comfortable and can be even conceived as laudable. For some individuals, religion or philosophy can, however, enlarge the community they adhere to, thus expanding to include all humans or even all living beings. One can open one's ego, dissolving its borders and embracing the universe, and although this phenomenon is rather rare, it appears in various religions and other thought systems.

Islam

Followers of a religion often conceive it as the absolute truth to believe in and the right way to follow. This truth and way are, however, different for each religion and, indeed, for each adherent and can change even during the life of the individual. As with all world religions, Islam is not one religion, but an infinity of changing religions. A religion exists in the people who adhere to it (and, to some extent, in all the people who have views about it), and the countless multitude of ways Muslims have been living Islam reflects the variety of their lives.

The communities of world religions include societies which have always been way too complex and composite to be covered by one general set of norms, yet all the differences existing in these societies had to find a way of expression within a given religious framework. Throughout most of human history, one's religion was usually not a matter of choice, but a matter of birth. One could not choose one's religion. It was given.

Different streams in any world religions cover most possible human attitudes to the world. This explains why we find highly similar trends in different religions and completely opposite ones within the 'same' religion. Every successful religion comprises many different currents, and very similar stances find their expression across different religions. Opposition in the interests and views of individuals as well as groups can lead to antagonisms within the 'same' religion. Diverging personal dispositions as well as adherence to different social, regional and ethnic identities were usually expressed in religious terms: mutual accusations of heresy, apostasy and excommunications. Hope and support for peaceful coexistence and fruitful collaboration was voiced through universalistic ideas.

The fact that universalism exists also in Islam demonstrates why it would be a mistake to equate Islam with its foundational text. While most Muslims claim and believe that the core source of Islam is the Qurʾān, for an outsider Islam is, or rather Islams are, Muslims' interpretations of the Qurʾān and its supplementations (such as the Ḥadīth and the further sources of the *sharīʿa*) – and the consecutive layers of later interpretations and supplementations of the former interpretations and supplementations – which have been always fashioned by their worldviews and ways of life. In the Qurʾān there is little doubt about God's ultimate violence against those who fail to follow His way.[16] This is in spite of the fact that the text makes clear that it is God who decides who will and will not want to follow his way. The text has to answer why not everyone obeys God's order, maintaining God's omnipotence and omniscience and keeping the door open for conversion to Islam in the hope for salvation. The swinging between threat and promise, divine omnipotence and human responsibility is one of the most persuasive emotional devices of the text.[17]

The text also oscillates concerning the question whether the believers should take action against the *kāfir*s[18] or whether they should leave that to God. Allāh first orders self-restraint to His powerless prophet frustrated by the ungratefulness of the rich Meccans, who, according to the logic of his message, should have been the most grateful to God, but who, according to the logic of the status quo benefitting the establishment, were not receptive to this message:

16. See the chapters below in this volume: D. Urvoy, 'The question of divine help in the *jihād*', pp. 27–32; I. T. Kristó-Nagy, 'Who instigated violence: a rebelling devil or a vengeful God?', pp. 73–105.
17. See, for instance, Q 16:93 and 76:29–31. See also below, I. T. Kristó-Nagy, 'Who instigated violence', pp. 98–101.
18. On the evolution of the meaning of this term within the Qurʾān, see M. Robinson Waldman, 'The development of the concept of *kufr* in the Qur'ān', *Journal of the American Oriental Society* 88.3 (July–September 1968), pp. 442–55.

وَاصْبِرْ عَلَى مَا يَقُولُونَ وَاهْجُرْهُمْ هَجْرًا جَمِيلًا
وَذَرْنِي وَالْمُكَذِّبِينَ أُولِي النَّعْمَةِ وَمَهِّلْهُمْ قَلِيلاً
إِنَّ لَدَيْنَا أَنكَالًا وَجَحِيمًا
وَطَعَامًا ذَا غُصَّةٍ وَعَذَابًا أَلِيمًا

Endure patiently what they say,
and withdraw from them politely.
Leave Me with those who deny the truth,
though they are prosperous,
and give them a brief respite.
With Us are fetters and the hot fire
And food that chokes and a painful punishment[19]

The strong poetic formulation, including the timbre of the consonants used in the Arabic in these verses, is in perfect harmony with the content. Its rendering in most available recitations contrasts, however, with this meaning. The sense seems to be tempered by the tradition of performing interpretation, but while the soft melody can dissolve the violence of the text for some listeners, it can also further sacralise it for others. The combination of harsh words and tender melodies corresponds to the contemplative and fighting states of mind, whose complementarity often characterises warriors of various communities.

Once the Muslim community had grown in strength and was facing its enemies in open armed conflict, then Allāh enjoined the Muslims to kill the '*kāfir*s' (unbelievers) and '*mushrik*s' (polytheists) unless they converted.[20] Tolerance towards 'the people of the book' also fluctuates in the text. Muslim attitudes towards tolerance or violence changed depending on the circumstances, in Muḥammad's lifetime, and since.

After the violent conquests, the political hegemony and numerical minority of the Arab Muslims favoured tolerance towards the submitted masses. Leaving one's paternal community and replacing one's 'identity kit' with another is difficult, but for pressing economic, social and psychological reasons, it was in the interests of the vanquished to convert and join the victorious community of the conquerors. As the Muslims conquered immense and rich lands, and their efforts to conquer neighbouring territories within reach produced less profit than loss, the conquests slowed down and were replaced by internal struggles for a bigger share and consolidation. Meanwhile, the majority of people living in Islamdom[21] became Muslims.

19. Q 73:10–13, *The Qur'ān* (trans. A. Jones) (Exeter, 2007), p. 542.
20. See, for instance, Q 9:5 and 2:191.
21. See above, p. 6, n. 9.

The importance of biologically dictated patterns is reflected in their socio-religious imprint. The fight to obtain and maintain power is often a rather risky business, but it grants important rewards. The powerful have better access to resources and potentially longer lives. Dominant males also acquire a greater number of females and this permits a higher rate of reproduction. This used to apply also to humans,[22] not only at the level of individuals, but also that of communities. While Muslim men are legally entitled to marry non-Muslim women and were also allowed to possess them as concubines, non-Muslim men have been prohibited from marrying Muslim women, and Muslims, men or women, could not be enslaved or be taken as concubines by non-Muslims. This policy certainly contributed to the Islamisation of Islamdom.

The distaste of the different religious communities towards the idea of conceding their women to men of a rival community was more-or-less similar. Subject communities also needed, however, to take advantage of cases when women belonging to them were married (or taken as concubines) into the dominant communities. Even submissive marriage is a symbol of acceptance. The character of the recognised interfaith sexual relationships demonstrates the nature of the rapport between the groups involved. Total rejection can be expressed by indiscriminate massacre (including of women); humiliation by rape; submission through unilateral marriage (of women belonging to the dominated group by the men of the dominant one); alliance or even union of equals by mutual marriages.[23] Interactions and their expressions range, however, over a fluctuating continuum.

The relatively tolerant attitude of many Muslims towards other religious communities (including Muslim sects) living within or at the border of Islamdom was severely affected by crises. The triumphant identity of Muslim community was substantially shaken by the conquests launched by Western Christians in the Iberian Peninsula and the Levant and by the Mongols in all the eastern lands of Islamdom. Fear and frustration often results in aggression. Subject religious communities living in Islamdom – as anywhere else – were often objects of violence caused by crises troubling the establishment in any historical period, even well before the arrival of the Mongols.

22. Some of our unfortunate contemporary leaders had to face rather vehement reactions when their privileges were exhibited by the media.
23. See S. Barton, *Conquerors, Brides, and Concubines: Interfaith Relations and Social Power in Medieval Iberia* (Philadelphia, 2015); the chapters in this volume below: M. Fierro, 'Violence against women in Andalusī historical sources', pp. 155–74; G. J. van Gelder, 'Sexual violence in verse: the case of Ji^{c}thin, al-Farazdaq's sister', pp. 175–90; also I. T. Kristó-Nagy, 'Marriage after rape: the ambiguous relationship between Arab lords and Iranian intellectuals as reflected in Ibn al-Muqaffa^{c}'s oeuvre', in a forthcoming Festschrift for Professor András Hámori, eds M. Larkin and J. Sharlet.

The conversion to Islam of the Mongol and Turkic conquerors restored the self-confidence of the Muslim communities they joined. Islamdom expanded further in the East and was in offensive in the West, where defence against the attacks of the Ottoman empire was the main reason for the construction of the Catholic empire of the Habsburgs.[24]

The European expansion of modern times presented an enormous challenge to all civilisations. It resulted in the nearly total extermination of the peoples and cultures of two continents: North America and Australia, creating what is commonly called the 'West'. This was not possible, however, in the case of the other continents. Technological evolution – which has allowed virtually all lands supporting life to be used for agriculture – has been eroding all non-agriculture based cultures, even in South America and the 'Old World', including that of the mounted nomads. They have often constituted formidable military powers in the past, such as the Scythes, Huns, Magyars, Arabs, Mongols and Turks. Other cultures – based on intensive agriculture – have, however, been able to survive and even boom through 'updates' and the integration of Western elements. Of the latter, the most successfully invasive were those that proved to be the most adaptable to other cultural and ecological substrates.

The interaction between Western and other cultures and their human carriers has, for both sides, been at once fruitful and destructive, stimulating and frustrating. The intellectual and emotional effects of these interactions and the struggle for identity left their mark on mutual attitudes to violence: the more successful the integration, the less people belonging to the communities/cultures involved are inclined towards violence.[25]

A generalised outline of the historical evolution of attitudes towards violence internal to the Muslim community can be also drafted. The overall tendency led from egalitarianism and activism to hierarchy and quietism, in accordance with the shift from tribal to imperial social organisation, but without the complete disappearance of activism (and tribalism) and with periods of revival.

As discussed above,[26] tribal organisations characterised those territories that do not allow intensive agriculture. Intensive agriculture required a high division of labour, which necessitated the construction of hierarchal society. In tribal territories, such as deserts, high mountains, marshlands, etc., people have to rely on themselves and their relatively small group, which is less stratified and more egalitarian than that of the societies based on intensive agriculture. Based on the

24. The second volume of this series will focus on this period.
25. The third volume of this series will be dedicated to the times following the rise of Western hegemony.
26. See above, p. 7.

rule of self-help, tribal societies are also more activist.[27] Every single man has to be a warrior for himself and his group, whereas it is obviously not the ideal of the authorities of an empire that their peasants should have the mind and behaviour of a warrior.

Islam rose in tribal lands. Its call and coercing force, combined with the rewards of its expansion, forged together the Arab tribes, which, due to particular historical coincidences, were able to conquer vast, old imperial, as well as further tribal lands.

While tribalism survived in the latter (as well as in the homeland of Islam) and was also expressed in the forms of Islam prevailing there, it vanished in the rich agricultural lands, which continued to be ruled by imperial traditions. In these imperial lands, Sunnīs, Shīᶜīs and, to some extent, even Khārijīs all had to abandon their activism and embrace quietist principles.[28] Consecutive civil wars demonstrated that the only result of activism and revolution was trouble, leading in the worst case to the destruction of the economy and very ecology of the land. This effectively returned land and society to nomadism, with reduced civilisation and population.

The leading elites of most Islamic societies were the military, often of tribal origin; the administration; and the urbanised mercantile and craft-producing groups, whom the *ᶜulamāʾ* mostly represented. Together, they ruled, organised and exploited the large subject masses of peasantry and had no interest in changing the framework of society.[29] The only alternative, tribalism, was sometimes nostalgically remembered, but rarely actually desired. In societies based on imperial economy, a revolution could bring a new ruler or dynasty – and the men in their service – to power, but the hierarchical structure changed little or was restored. Thus, upheavals were considered as bringing more pain than gain for most of the elites, as well as the common people.[30]

CONCLUSION

In order to understand and contextualise attitudes towards violence in Islamic thought, I have aimed to outline first the biological roots of violence, followed

27. See P. Crone, *Pre-Industrial Societies* (Oxford, 1989).
28. P. Crone, *Medieval Islamic Political Thought* (Edinburgh, 2004), published in the US with the title: *God's Rule: Government and Islam: Six Centuries of Medieval Political Thought* (New York, 2004).
29. See I. T. Kristó-Nagy, 'Conflict and cooperation between Arab rulers and Persian bureaucrats at the formation of the Islamic empire', in *Empires and Bureaucracy from Late Antiquity to the Modern World*, eds P. Crooks and T. Parsons (Cambridge, forthcoming).
30. See Kristó-Nagy, 'Conflict and cooperation', p. 103 (particularly n. 40 on that page).

by the historical evolution of human attitudes to it. I have focused on how social changes are reflected in religion in general and in Islam in particular. The various Islamic attitudes towards violence demonstrate the interplay between biological and cultural heritage, social and historical circumstances, communal identities and personal inclinations. When analysing such attitudes, all of these layers have to be considered. My generalisations in the above study also sought to debunk more generally accepted generalisations. Statements about Islam as a 'religion of violence' or as a 'religion of peace' are useful only for the study of the ideological stances of those who exhibit them. The goal of the *Violence in Islamic Thought* series is to give insights to a versatile, living legacy.

ITKN
Exeter, June 2014

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II: Islam and Violence: From Late Antiquity to the Mongol Conquest

Thomas Sizgorich, in his important 2009 monograph *Violence and Belief in Late Antiquity*, makes the following, perceptive remark:

> As early Muslim warrior scholars articulated a theory of ascetic, militant piety or '*jihad*' on the frontier with Byzantium, they incorporated an ascetic ethos that recalled the heroes who are repeatedly described in early Muslim sources as kindred in spirit and praxis with Christian ascetics. It is little surprise then that as Muslims of the first centuries after the *hijra* described the institution of *jihad*, they called it the 'monasticism of the Muslims'.[31]

Two points emerge from this observation, both of which are important for the study of violence in early Islamic thought. First, the emergence of the Arab-Muslim empire should not be seen as a radical break with the world of late antiquity. Instead, there is much continuity to be found between these two epochs: the historian's desire for neat periodisation creates a myth of fracture. This myth may, or may not, be part of a larger academic assumption that Islam is different, and its historical processes are incomparable with the established (European) disciplinary core. Second, and developing out of the first general observation,

31. T. Sizgorich, *Violence and Belief in Late Antiquity: Militant Devotion in Christianity and Islam* (Philadelphia, 2009), p. 276.

legitimising violence within the religious context of late antique Christianity and early empire Islam was not so different. The temptation to treat one religion as peaceful and the other as violent is part of the myth of fracture and has been institutionalised in the creation of disciplinary silos in our universities. Experts in late antiquity and early Islam have not always enjoyed a productive exchange of ideas, but things are changing. The trend in the study of early Islamic history is to relate phenomena to longer-term processes and more established thought patterns. Broadening the remit to pre- (and 'non-') Muslim material has created a wealth of new hypotheses and, to speak practically, new possibilities for funding and job creation.

With Sizgorich's sad passing in January 2011, not only did the field lose an important scholar, but the *Legitimate and Illegitimate Violence in Islamic Thought* (LIVIT) project also lost a collaborator. Sizgorich was due to attend the LIVIT conference in September that year and was to contribute to this volume. Indeed, his work on the notion of militant piety as a powerful and influential idea in late antiquity and early Islam was formative for the project as a whole. We felt it fitting that this volume be dedicated to him and his contribution to the field. The themes explored in the three parts of this book reflect some of Sizgorich's intellectual concerns, both in *Violence and Belief*, but also in his other publications. The parts examine different perspectives on analysing violence in early Islam: (I) Jihād and Conquest, (II) The Challenged Establishment and (III) Lust and Flesh. Each part represents a different arena where violence is examined and the mechanisms whereby it is justified or delegitimised are explored. The three parts also relate to the three potential victims of violence in a developing imperial milieu: external enemies, internal rebels and weaker subjects. Some studies in this volume are detailed textual analyses, others are examinations of the narratives that justify violence. Islamic thought is understood broadly to include not only the usual theological, legal and exegetical texts, but also historical writing, poetry and prose; even pictorial representation and architecture can be considered records of Islamic thought in this context, and this expansive definition was employed throughout the project and is used in the three projected volumes of this series. These were the ground rules of the project, and the contributions in this volume are testimony to that intellectual position.

LIVIT was a three-year project, funded by the Research Councils United Kingdom (RCUK) Global Uncertainties programme, with the editors of this volume (Gleave as Principal Investigator, Kristó-Nagy as Research Fellow) as its main staff. This funding programme provided fellowships for scholars to explore a particular theme that might enable a deeper understanding of global security threats. Such a focus may seem quite distant from the confluence of themes between the late antique world, early Islam and the literature of the first

five centuries of the Muslim empire. Of course, the last volume in the series (on *Violence in Modern Islamic Thought*) is, perhaps, the most obviously linked to the Global Uncertainties theme. But temporal distance should not be confused with irrelevance. The fundamental postulate of the LIVIT project is that understanding the history of thought processes around violence over time is essential for a clearer understanding of how violence is legitimised by ideologies and belief systems (and Islam, despite the regular media portrayal of it as inherently violent, is not peculiar in this respect). Sizgorich pre-empted LIVIT's own approach when he wrote that the 'landscape of the present world seems filled with indication of the continued relevance' of the questions of violence and its legitimation through communal narrative. Writing at the time of the Israeli invasion of Lebanon in 2006, he remarks that 'two narratives of victimhood, martyrdom, and miraculous survival ground out still more of the same on both sides' leaving the land 'soaked in sanctified blood, resounding with the sounds of grief, loss, and horror'.[32] Understanding how violence is justified in the maintenance of boundaries and identities, whatever the period, facilitates a more nuanced, more academically rigorous approach. This can only make academic research more policy relevant, enhancing our understanding of conflict and global insecurity in the contemporary period. Anything less than a complex, historically informed analysis of the dynamics of violence is a betrayal of the academic's role in society; more than this, it is a dangerous failure to follow through on the requirement to implement evidence-based policy. The ideas explored in this volume are not arcane, specialist or peculiar; rather, understanding them is essential if one wants to do justice (in all senses of that phrase) to both the victims and perpetrators of violence.

The first part deals with the archetypal violent activity in Islam generally and early Muslim history in particular: Jihād and Conquest. The shrill contemporary debate about *jihād* can be set aside. Here, the development of the doctrine and the manner in which it was put to work in early Islam is examined in four studies: two (Urvoy and Rippin) examine the Qurʾānic witness to *jihād* and its sacred operation; two examine how the doctrine was worked out in religious literature and historical writings (Melchert and Savant, respectively). Clearly, violence is invested with much cultural importance – it brings about victory, but it also creates victims, and therefore its moral dynamics needed to be carefully picked apart by early Muslim writers. Whether or not there is a distinction between the Qurʾānic exposition of violent *jihād* and the ideas espoused in the various early genres, there is clearly a more systematic approach to the justification of violence

32. Sizgorich, *Violence and Belief*, p. 20.

in the later writings. In the Qurʾān, the conception of *jihād* is not simplistic, but it is not always consistent either. Urvoy ('The Question of Divine Help in the *Jihād*') demonstrates how a fundamentally theological debate (concerning divine help for the Prophet's own *jihād*) emerges out of the various hints within the Qurʾānic text. Rippin ('Reading the Qurʾān on *Jihād*: Two Early Exegetical Texts') turns his attention to the early exegetes Muqātil b. Sulaymān and Abū ʿUbayd, in order to discover their analysis of certain key Qurʾānic texts on fighting (*qitāl*) and *jihād*. The result is that the examination of legitimate military violence is not purely engaged with the Qurʾānic text's exposition, but is situated in the context of the exegete – 'not a very surprising conclusion' according to Rippin, but nonetheless one that requires reiteration. In the current, exaggerated public discussion of *jihād*, there is a tendency to flatten all intellectual development in a supposed search for the 'true' or 'original' doctrine. Melchert ('Ibn al-Mubārak's *Kitāb al-Jihād* and Early Renunciant Literature') expands upon this insight – the importance given to renunciation (*zuhd*) in early Islam is not always associated with violence (often quite the reverse), but as Melchert puts it: 'the warrior fights best when he is indifferent to whether he lives or dies'. It is, then, not so surprising that the two (*zuhd* and *jihād*) went hand-in-hand. *Jihād*, it could be said, is a more moralistic, religiously imbued notion than simple *qitāl*. Incorporating that *jihād* into the memory of the community and processing it doctrinally was the preoccupation of many different genres of Muslim literature. Bowen Savant ('Shaping Memory of the Conquests: The Case of Tustar') describes how memory – a mechanism for controlling the past – forms and shapes these texts, particularly for important historical (and, one should emphasise, religious) events, such as the end of the Sasanian empire and the ('divinely instigated') rise of the Muslim empire.

In the second part, 'The Challenged Establishment', four more studies are presented, in which the internal enemies of Muslim authority are explored. The notion of rebellion and the justification for violence against a rebellious party is fundamental to the legitimacy of the so-called Islamic state. The notions of rebellion and how it should be dealt with are evidenced early in Islam, with the co-option of the Biblical narrative of the Devil and his rebellion against the divine will. Kristó-Nagy ('Who Instigated Violence: A Rebelling Devil or a Vengeful God?') argues forcefully that rebellion, even when it is not violent, is met with divine violence within the Qurʾānic narrative. In Marsham's chapter ('Attitudes to the Use of Fire in Executions in Late Antiquity and Early Islam'), a very specific kind of public violence (death by fire) meted out to rebels is examined. The justifications for these gruesome public acts vary between the symbolic, ritual and even sacrificial to the practical deterrent and catharsis of revenge. The potent symbolism of fire (hell, damnation, purification, etc.) stretched across

the medieval world and was not restricted to Islam: its ability to evoke such ideas made it an ideal tool for governors wishing to impose their authority in the emerging Muslim polity. Clearly, violence (both the fact of its implementation, but also the manner in which it is enacted) is linked to legitimacy. For example, Nawas (in '[c]Abbāsid State Violence and the Execution of Ibn [c]Ā[ɔ]isha') argues that the significance of Ibn [c]Ā[ɔ]isha's execution lies in the [c]Abbāsid state killing a member of the stately line – an apparent taboo, which, nevertheless, fitted in very well with al-Ma[ɔ]mūn's conception of the caliphate and its future. The link between legitimacy and violence is stressed further in Sárközy's contribution ('The Sultan and the Defiant Prince in Hunting Competition'). He demonstrates how claims to power were expressed through hunting and its associated rituals during the Seljuq period. Sárközy shows how hunting becomes a foil for military power, and failure in the former is often linked to weakness in the latter.

In the final part, 'Lust and Flesh', the focus turns to the victims of the parochial, sometimes mundane, violence of medieval Islamic society. Descriptions of acts of violence against defenceless victims are sporadically attested to in the historical sources and certainly focused the minds of the legal scholars. Fierro ('Violence against Women in Andalusī Historical Sources') presents the accounts of sexual and gendered violence in early al-Andalus, setting the incidents described therein in a historical context. Often women were violated in the context of war, as the relatives of the enemy soldiers; often violence against women, including sexual violence, is a means of making a political point or exerting political control. Van Gelder ('Sexual Violence in Verse: The Case of Ji[c]thin, al-Farazdaq's Sister') presents a case of sexual violence in literature, this time against the sister of the great Umayyad poet al-Farazdaq. The explicit description of the attack by a man of another tribe, and the brutal portrayal of her rape (which, most likely, did not take place), took off as a literary debate, with the original act of violence left far behind in the memory. The promotion of literary rivalries became more important than history. Violence, particularly against the defenceless and undeserving, is a useful mechanism for expressing other, often unrelated, ideas. Bandits, for example, are guilty of a *ḥadd* crime, capital if it is accompanied by murder, but Cooperson ('Bandits') demonstrates that the literary accounts of highwaymen (sometimes portraying them as almost gallant rebels) are really stories about the decline in public order that the literate urbanites of Baghdad and elsewhere perceived in their contemporary society. Similarly, Szombathy ('Eating People is Wrong: Some Eyewitness Accounts of Cannibalism in Arabic Sources') in his examination of cannibalism in medieval Arabic literature shows that these stories are really about something else: they stress and reaffirm the boundaries of civilisation, since a cannibal is the ultimate uncivilised individual; if he is Muslim, then the transgression is even

more shocking. Perhaps the most defenceless of victims are nonhuman animals, and the legal condemnation of unnecessary violence against them has to be balanced against the permission to eat their flesh after proper ritual slaughter. Tlili ('Animals Would Follow Shāfiʿism') explores whether killing animals is a necessary but regrettable act in the Islamic legal-moral code, beginning from the point that nonhuman animals are considered Muslim; and further, the law schools have variant understandings of the value of nonhuman animal life, with Shāfiʿīs manifesting the most 'humane' attitude (if that is the right word).

Categorising violence by its victims, and also by the motivations of its perpetrators, reveals the rich variety of material available for the period covered by this book. The limits of acceptable violence and the link between violence and the perpetuation of authority structures are salient themes, not only in the study of Islam, but in all pre-modern societies and systems of governance. But also, here, we have the manner in which violence becomes a particular literary trope – how it is exaggerated or lampooned by the authors. Their works of poetry and prose, of law, theology and history remain the primary material for our investigation of early Islamic thought. How these themes continued to develop into the later, medieval period is the subject of the second book in this series.

RG
Exeter, June 2014

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ACKNOWLEDGEMENTS

The LIVIT project would not have happened without the support of the RCUK Global Uncertainties programme, ably administered by the Economic and Social Research Council (ESRC). Our case officer, Chris Wyatt, in particular, was extremely supportive throughout the life of the project. We offer the Council and RCUK our thanks for their ongoing support, not least through the Islamic Reformulations follow-up project. If you are interested in finding out more about the LIVIT project, we will try and keep our website going for as long as possible: www.livitproject.net. Ms Jane Clark has been invaluable as the primary research support officer in the Institute of Arab and Islamic Studies – we offer her our heartfelt thanks here. We thank also the LIVIT project's two dedicated PhD students, Tayyeb Mimouni and Bianka Speidl, for their assistance throughout the project. There were a number of participants at the first LIVIT conference (an event which formed the genesis of this collection) in September 2011. They did not submit papers, but they contributed in a lively and important way to the discussions, and they formed an important part of the network established through

the project. These include Hugh Kennedy, Gerald Hawting, David Thomas, Michael Bonner, Stephen Humphreys, Hayrettin Yucesoy, Monique Bernards, Saud Al-Sarhan and Camilla Adang. Andras Hamori was prevented from attending through illness, but he sent a paper, which shall be published in one of the later volumes. The staff at EUP have been the model of a patient publisher with errant academics.

We thank Professor Nancy McLoghlin, the widow of Thomas Sizgorich, for giving us permission to dedicate this volume to his memory. We also thank Professor Beth Depalma Digeser for her assistance in this matter.

RG and ITKN
Exeter, June 2014

PART I

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JIHĀD AND CONQUEST: ATTITUDES TO VIOLENCE AGAINST THE EXTERNAL ENEMIES OF THE MUSLIM COMMUNITY

CHAPTER

2

THE QUESTION OF DIVINE HELP IN THE *JIHĀD*

*Dominique Urvoy**

The theme of 'help' is ubiquitous in the Qurʾān. In it, composites of the root *n-ṣ-r* appear approximately 120 times with that meaning. But more explicitly, in the *sūra*s that are traditionally associated with the Medinan period (particularly, *sūra*s 5, 8 and 9), this theme comes to light as the idea of a concrete aid given by God to those who fight for Him: this idea appears twelve times, and in two of these, there is a passage of several verses where the verb *naṣara* or the substantive *naṣr* is explicitly stated ten times.

This help from God can take on several aspects. The Qurʾān sometimes insists on the contrast between the divine plan and the limited vision of humans: it is then a question of divine inspiration as to the decision to fight, in spite of the reluctance of some people (Q 3:5; 33:11–15), or not to give in to the temptation to flee (Q 9:25). Sometimes it might be a designation of a more significant goal than that envisioned by human calculations (Q 8:7). Sometimes, it is purely and simply the affirmation of the fact that it is only in God that efficiency resides: God 'turns away the hands' of adversaries (Q 5:11), it is He Himself, and not the believers, who kills the infidels (Q 8:17); He sends 'invisible' cohorts (Q 33:9; 9:26)[1] – i.e. angels – the thousands of which can multiply (Q 8:9; 3:124–5).

This twofold perspective finds extended discussion in the description of the aim of this help. The Qurʾān insists on the concrete aspect – that is, 'the torment of infidels' (Q 9:26), the effective victory (Q 3:127) that can be granted only by that

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1. When several numbers of *sūra*s are given at the same time, they are not given according to the order in the text, but according to a probable chronology (we follow here that method adopted by Régis Blachère).

divine help (Q 3:160); the announcement of that happy event is a piece of good news which 'tranquillises the hearts (of believers)' (Q 8:10; 3:126) and 'heals' them (Q 9:14). It 'makes believers feel God's favour' (Q 8:17) or, even more, it 'makes the *sakīna* [that is, the divine presence] descend into the hearts of believers' (Q 48:4); and this *sakīna* is explicitly linked with military success (*fa-anzala al-sakīna ᶜalayhim wa-athābahum fatḥan qarīban*, Q 48:18; cf. also 9:26). Even when the Qurʾānic text rises to the sublime vision of the triumph of the truth, it does not separate it from martial victory: '. . . God wanted to bring about the truth through His word and to exterminate infidels down to the last one, in order to bring about the truth and to annihilate falsehood, in spite of criminals' (Q 8:7–8).

The tone of the Qurʾānic text in these passages, as we have seen, is always positive – indeed, triumphant. Consequently, the contestants, who will make themselves heard once Islam has become the official religion of an empire, will be puzzled about that triumphant mood, all the more so as the Qurʾān itself echoes the defeats of the Prophet: 'If a wound bleeds in you, a similar wound has bled in this people. We cause these days to alternate *(nudāwiluhā*) among men in order to know those who believe . . .' (Q 3:140).

Consequently, the general conception that is to be retained is that expressed by the formula: 'If God wanted to, He would triumph over them (*la-ntaṣara minhum*). But these ordeals are imposed so that people put one another to the test (*li-yablū*)' (Q 47:4); that is to say, God has the power to make His kingdom on earth come to pass immediately, but He wants believers to mark themselves off first. Now, this poses a certain number of theological problems. These are raised indirectly in the critique of the Qurʾān attributed to Ibn al-Muqaffaᶜ: 'And He has caused His angels to descend; when they vanquish an enemy He says: "I have conquered", but when one of His friends is conquered He says "I have tested him."'[2] This text of Ibn al-Muqaffaᶜ's (or of one of his followers from the same ideological position) has received two different responses.

The first consists in purely and simply ignoring the difficulty. It is seen in the most ancient text of Muslim anti-Christian polemic known to us, the letter written by Muḥammad b. al-Layth (d. *c.* 204/819) in the name of caliph Hārūn al-Rashīd for the Byzantine Emperor Constantine VI. Ibn al-Layth certainly knew the *radd* against the Qurʾān, for he dwells on a characteristic point of that text, to wit, the meaning of the projection of stars.[3] Following which, he develops

2. M. Guidi, *La lotta tra l'islam e il manicheismo. Un libro di Ibn al-Muqaffaʿ confutato da al-Qāsim b. Ibrāhīm* (Rome, 1927), p. 20 (Arabic); p. 43 (trans.); I. T. Kristó-Nagy, *La pensée d'Ibn al-Muqaffaʿ: Un « agent double » dans le monde persan et arabe* (Versailles, 2013), pp. 442–3.
3. *Lettre du calife Hārūn al-Rashīd à l'empereur Constantin VI*, ed. and comm. Hadi Eid (trans.) (Paris, 1992), pp. 27–32 (Arabic); pp. 55–8 (trans.). Cf. Guidi, *La lotta*, p. 17

the victories of the Prophet in detail, underlining the difficulties the Prophet encountered even among his own partisans, but without the least allusion to the defeats undergone in other circumstances.[4]

The second attitude consists in understanding that it was intended, in the words of the *radd*, to denounce duplicity in the text and so to disprove its divine character. To annul this criticism, the Zaydī Imām al-Qāsim b. Ibrāhīm (m. 246/860), who preserved the fragments of the challenging text in a refutation of the whole, moves on by founding himself on two characteristic theses of the Muᶜtazilī school. On the one hand, he notes that all the perditions willed by God occur through a secondary cause (illness, natural catastrophe and so on); it is thus normal that the perdition of the enemies of Islam should be the result of a physical action – in this case, that of believers. God is, indeed, the only final cause and divine wisdom (*ḥikma*) which precedes all secondary causes. On the other hand, God is just, and His justice (*ᶜadl*) causes Him to withdraw His support from he who has committed an offence. It is in that, that the test mentioned in the Qurʾān consists.

Nevertheless, the Muᶜtazilism will be rejected. Even if the theses that we have just seen are reintroduced into the Sunnī *kalām*, it will be in a more attenuated form, and orthodoxy shall consist in the affirmation on the one hand of the 'occasionalist' explanation of the sequence of phenomena and on the other hand of the absolute freedom of God, who cannot be submitted to any superior exigency, even with His quality of justice. Thus, traditionalist commentators usually refuse to lay themselves open to that type of difficulty and come naturally back to the attitude of Ibn al-Layth. For example, concerning the phrase 'there is no help other than that of God' (Q 8:10), there are accounts from Ṭabarī[5] up to, at present, the group of Cairo *ᶜulamāʾ* who synthesised the classical commentaries;[6] they all limit themselves to glossing the terms, demanding that all efficiency should be ascribed to God alone, without allowing the least additional reflexion to intervene. Even Zamakhsharī,[7] who is nonetheless considered as a Muᶜtazilī, proceeds in that way.

Whereas, on the contrary, we see, for example, that a totally traditional author like Ibn Kathīr, whose *Tafsīr* is generally very 'down to earth', limits himself most often to paraphrases and collections of anecdotes, expressing himself,

(Arabic); p. 35 (trans.); Kristó-Nagy, *La pensée d'Ibn al-Muqaffaᶜ*, pp. 442–3. On the influence of this theme, cf. D. Urvoy, *Les penseurs libres dans l'islam classique* (Paris, 1996), p. 60.

4. *Lettre du calife Hārūn al-Rashīd*, pp. 32–9 (Arabic); pp. 58–62 (trans.).
5. Ṭabarī, *Jāmiᶜ al-bayān fī tafsīr al-Qurʾān* (Beirut, n. d.), vol. 6.1, p. 129.
6. *Al-Tafsīr al-wasīṭ lil-Qurʾān al-karīm* (Cairo, 1980), fasc. 18, p. 1590.
7. Zamakhsharī, *Al-Kashshāf*, ed. M. C. Aḥmad (Beirut, [1407] 1987), vol. 2, p. 202.

concerning this same phrase, in terms which, five centuries after al-Qāsim b. Ibrāhīm, echo the problem raised between Ibn al-Muqaffaᶜ and the Zaydī Imām. At first sight, Ibn Kathīr seems to envisage the question of divine succour only from the point of view of the historian, which, of course, he is. Indeed, he begins by distinguishing only, on the one hand, ancient times, when God punished infidels directly through natural phenomena and, on the other hand, the period introduced by Moses, when He caused believers to intervene so that they would combat these infidels. He comments on this very briefly, saying that that is the very mark of divine wisdom, in an elliptic phrase which is, elsewhere, used again, but barely developed in regard to this verse: 'Combat them! By your hands God will torment them and will cover them with infamy whereas He will help you against them, and He will heal the hearts of the people of believers.' (Q 9:14)[8] But immediately afterwards he connects the phrase from verse 8:10 with the verses 47:4 and 3:140, and we have noted the extent to which these verses discriminate between the nuances of divine help. In so doing, this disciple of Ibn Taymiyya thus echoes the persistence of theological difficulties introduced by the Qurʾānic terms 'to undergo' (*balā*) and 'alternate' (*dāwala*).

To explain this persistence, one must remember that Muslim religious thought is essentially dialectic. That is to say, it always addresses an adversary, whether he is explicitly named or only needs to be presupposed. In the present case, the adversary is not named, but one cannot help thinking of a periodical reminder – if only in the form of a humorous sally – of the initial difficulty. Of that reminder, we have only a few traces: in the beginning of the fourth/tenth century, Māturīdī reports a 'witty remark' expressed nearly a century before by the old Muᶜtazilī *mutakallim*, later *zindīq*, al-Warrāq, who was the exact contemporary of al-Qāsim b. Ibrāhīm: if the angels intervened at Badr, where were they at Uḥud where the Prophet was defeated? This sally is reported again almost a century later by ᶜAbd al-Jabbār, but sometimes it is ascribed only to al-Warrāq and at other times it is presented as being propagated among the *mulḥida* in general.

The repetition and propagation of this sally through the centuries shows that the Zaydī Imām's solution had not convinced the disputants. But it had not convinced the orthodox Sunnīs either. In fact, it allowed one to suppose that before the battle of Uḥud the Prophet might have committed a fault that removed divine help from him. This runs counter to the dogma of the impeccability of Prophets or at least of their ability to commit minor sins or mistakes followed by immediate repentance. Thus, Māturīdī does not respond with such an argument, but

8. Ibn Kathīr, *L'Exégèse du Coran (Tafsīr Ibn Kathīr)*, Harkat Abdou (trans.) (Beirut, [1424] 2003), pp. 520, 551.

rather by invoking an empirical proof (at Badr, the presence of corpses which had not been killed by combatants would seem to have been noted) and an apologetic reason (Badr was the first battle, thus the most significant for demonstrating the truth and annihilating falsehood).[9]

The controversy surrounding divine help in the *jihād* explicitly posed the question of the legitimacy of the *jihād* itself. The *radd* of Ibn al-Muqaffaᶜ states, in effect, that the Prophet of Islam 'fought in view of domination (*mulk*) and of things of this world (*dunyā*)',[10] which obviously runs counter to the Qurʾānic formula '*li-yuḥiqqa al-ḥaqqa wa-yubṭila al-bāṭila*' (Q 7:8), stressed by both commentators and Māturīdī. Still, the same fluctuations occurred in the rejoinder addressed to disputants and show that the question of legitimacy remained posed, if not in an absolute manner, then at least in relation to the scale of values. Al-Qāsim b. Ibrāhīm does not contest the legitimacy of the wars staged by the Prophet, even when divine assistance was withdrawn, but he gives us to understand that those battles which took place when the help was present had a legitimacy in a way 'stamped' by God. That is also what Māturīdī expresses, in another form.

But when divine assistance had occurred, it had been announced in advance, which produced a favourable psychological effect on the believers and that, in turn, entailed victory. What is the situation after the disappearance of the Prophet and thus of all previous announcements? Most of the passages concerning divine help in combat are reminders of the past or envisage a very near future for the Prophet himself; they are thus absolutely affirmative. Only verses 3:124–5 may be considered as concerning an unlimited future, but they suppose a double condition: religious value for believers and an attack coming from the outside. This conditional character shall henceforth mark Islamic thought concerning the *jihād*.

On the juridical level, pragmatism triumphs. Except for a few rare exceptions (notably, that of the Khārijites), the basis from then on was the example of the Prophet's own political flexibility, whose order was to take advantage, if there was any, of the situation, but to compromise if Muslims were in a position of inferiority. This flexibility appears as necessary to ensure the triumph of religion.[11] It is, in a way, the appreciation of the situation – favourable or unfavourable? – before combat which allows the faithful to prejudge the granting or refusal of divine help.

9. Māturīdī, *Kitāb al-tawḥīd*, ed. F. Kholeif (Beirut, 1970), p. 199.
10. Guidi, *La lotta*, p. 26 (Arabic); p. 59 (trans.); Kristó-Nagy, *La pensée d'Ibn al-Muqaffaʿ*, pp. 442–3.
11. Cf. A. Morabia, *Le Ǧihad dans l'Islam médiéval* (Paris, 1993), pp. 204–7.

But the example of the Prophet can be envisaged as another more mystical form of submission to divine will. ᶜAbd al-Qādir al-Jazāᵓirī's *Kitāb al-Mawāqif fī al-taṣawwuf wa-l-waᶜẓ wa-l-irshād* begins straight away with the following commentary of Qurᵓānic verse 33:21, which presents the Prophet as a 'handsome model' (*uswa ḥasana*):

> This must be understood if we consider the way God Almighty has treated His envoy, the gifts which He has vouchsafed or refused him, these things useful or distressing which he has reserved him, allowing his enemies to dominate him and causing war to alternate now in his favour, now in his disfavour (*wa-jaᶜala al-ḥarb dawalan tāratan lahu wa-tāratan ᶜalayhi*) . . .[12]

Combat is no longer considered apart, as a privileged manifestation of Truth, but is reintegrated into the whole of the vicissitudes endured by all Prophets.

12. ᶜAbd al-Qādir, *Kitāb al-Mawāqif fī l-taṣawwuf wa-l-waᶜẓ wa-l-irshād* (Damascus, 1966), vol. 1, p. 27.

CHAPTER

3

READING THE QURʾĀN ON *JIHĀD*: TWO EARLY EXEGETICAL TEXTS

*Andrew Rippin**

Understanding the character of early *jihād* has been the focus of much scholarly effort. The relationship between those fighting and the political power of the caliph, the notion of the obligation and appropriateness of continued fighting and the role of the renunciant tradition among early fighters, especially those who become associated with the scholarly classes, are all issues that have drawn attention.[1] The challenges in tackling these issues are many and are primarily related to the limited number and nature of the early sources available to us to clarify the matter. Two early texts that focus on legal aspects of the Qurʾān comprise sources that have not yet been fully tapped in discussing these questions. One work is by Muqātil b. Sulaymān, who died in 150/767 and, while the text in question, *Tafsīr al-Khams Miʾat Āya min al-Qurʾān al-Karīm*, may have achieved its final form later in the second or even the third *hijrī* century, it represents some of the earliest Qurʾānic exegetical material we have available. The second work is by Abū ʿUbayd, who died in 224/838, and is devoted to abrogation in the Qurʾān (and, to a lesser extent, the Sunna), entitled *Kitāb al-Nāsikh wa-l-mansūkh*. What

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1. An informative overview of the issues is provided in Robert Haug, 'Frontiers and the state in early Islamic history: *jihād* between caliphs and volunteers', *History Compass* 9.8 (2011), pp. 634–43. Key studies include Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton, 2006); Christian Décobert, 'Ascétisme et *jihād*', *Mélanges de l'Université Saint-Joseph* 62 (2009), pp. 253–82; Roy Parviz Mottahedeh and Ridwan al-Sayyid, 'The idea of *jihād* in Islam before the Crusades', in *The Crusades from the Perspective of Byzantium and the Muslim World*, eds Angeliki E. Laiou and Roy Parviz Mottahedeh (Washington, DC, 2001), pp. 23–9; Deborah Tor, 'Privatized *jihād* and public order in the pre-Seljuq period: the role of the *Mutatawwiʿa*', *Iranian Studies* 38 (2005), pp. 555–73.

unites these works and makes them suitable for a specific and distinctive analysis in light of the questions surrounding *jihād* is their singular focus on the Qurʾān in terms of its relationship to the legal structures and practices of Islam. This makes them quite separate from other early works that have been utilised for information on early conceptions of Muslim warfare, such as those of Ibn al-Mubārak (d. 181/797), al-Fazārī (d. after 185/802) and al-Shaybānī (d. 189/805).[2] Both works are organised according to legal topics and are devoted to assembling the relevant verses of the Qurʾān under those topical headings (*muṣannaf*-style). These two early texts argue that Islamic principles can, in fact, be established on the basis of the Qurʾān or, at least, that the Qurʾān must be taken into account in defining Muslim practice and behaviour.[3] More specifically, and reflecting what makes these works distinctive, both texts aim to understand and explain Muslim notions of *jihād* (along with other legal topics) as they find it in scripture.[4] As such, these texts provide very little in the way of historical contextualisation to help us understand how these discussions might reflect any sense of social realities at the time. They do, however, show us early Muslims grappling with the issue of *jihād* and its relationship to religious principles; while the texts may not provide all the answers we desire, they do provide another view of the early controversies surrounding the perceived character of *jihād*.

Muqātil b. Sulaymān was a traditionist and commentator on the Qurʾān, who was born in Balkh and lived in Marw, Baghdad and Basra, where he died in 150/767 at an old age, according to some biographers. He is also said to have taught in Mecca, Damascus and Beirut.[5] While Muqātil's standing as a traditionist is not high, he was cited extensively by other medieval exegetes regardless.[6] Three of Muqātil's texts related to the Qurʾān exist today and have been published; they are of great significance because of their likely (although not

2. On these works, see, for example, Bonner, *Jihad*, Chapter 7, 'Embattled scholars'; Jacqueline Chabbi, 'Ribāṭ', in *EI2*.
3. See Robert Gleave, 'The "first source" of Islamic law: Muslim legal exegesis of the Qurʾān', in *Law and Religion: Current Legal Issues 2001, Volume 4*, eds Richard O'Dair and Andrew Lewis (Oxford, 2001), pp. 145–61.
4. As John Wansbrough argued in his *Quranic Studies: Sources and Methods of Scriptural Interpretation* (Oxford, 1977), in comparing Muqātil to Mālik b. Anas and his *Muwaṭṭaʾ*, the focus in Muqātil clearly is on the Qurʾān and not (as in the case of Mālik) on the juristic organisational principles which utilise the Qurʾān as 'almost superfluous embellishment' (p. 171). For Wansbrough, Muqātil provides the earliest evidence of finding corroboration for Muslim practice in the Qurʾān (p. 172).
5. For biographical references, see M. Plessner (A. Rippin), 'Muḳātil b. Sulaymān', in *EI2*.
6. See Mehmet Akif Koç, 'A comparison of the references to Muqātil b. Sulaymān (150/767) in the exegesis of al-Thaʿlabī and Muqātil's own exegesis', *Journal of Semitic Studies* 53 (2008), pp. 69–101.

undisputed) early date. The work of interest here, *Tafsīr al-Khams Miʾat Āya min al-Qurʾān al-Karīm*,[7] organises Qurʾānic verses under legal topics and provides some basic exegesis of them; studies of the content of the book suggest a direct relationship to his larger *Tafsīr* of the Qurʾān.[8] The particular significance of this text lies primarily in its early attempt at a legal classification scheme and the documentation of all the elements on the basis of scripture alone.[9]

For Muqātil, the treatment of *jihād* is handled under a number of topics (*abwāb*), each citing the relevant Qurʾānic verses. Most of the titles of the topics pick up on Qurʾānic vocabulary of the verses that are treated under that heading. These titles, as listed below along with the relevant Qurʾānic passages, are those found in the edition of the text which follows the sole manuscript of the text; they differ from what John Wansbrough provides in his presentation of this section of the text in his *Quranic Studies*, in which he provided his own understanding of Muqātil's concerns.[10]

7. Muqātil b. Sulaymān, *Kitāb Tafsīr al-Khams Miʾat Āya min al-Qurʾān al-Karīm*, ed. Isaiah Goldfeld (Shfaram, 1980).
8. Wansbrough, *Quranic Studies*, p. 173, on the text overall; Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra. Eine Geschichte des religiösen Denkens im frühen Islam* (6 vols) (Berlin, 1991–5), II, pp. 523–4 (mainly on issues of transmission of the text); Nicolai Sinai, *Fortschreibung und Auslegung. Studien zur frühen Koraninterpretation* (Wiesbaden, 2009), p. 286; Yeshayahu Goldfeld, 'Pseudo Ibn ʿAbbās Responsa-polemics against the Ǧahmiyya', *Arabica* 35 (1985), pp. 350–67, on ff. 100b–103a of the text, an anti-Jahmite appendix (on which, also see Wansbrough, *Quranic Studies*, pp. 163–4; van Ess, *Theologie und Gesellschaft*, II, pp. 527–8).
9. Kahlan al-Kharusi, 'An overview of Ibāḍī *Tafsīr*', in *Islamic Reflections, Arabic Musings: Studies in Honour of Professor Alan Jones*, eds R. G. Hoyland and P. F. Kennedy (Cambridge, 2004), p. 272, mentions a work ascribed to the third century Omani Abū al-Ḥawwārī, *al-Dirāya wa-kanz al-ghanāya wa-muntahā al-dirāya fī tafsīr al-khams miʾat āya* that is exactly the same as Muqātil's work, with 'the only significant difference [being] the additional Ibāḍī juristic opinions in Abū al-Ḥawwārī's work and the expurgation of non-Ibāḍī ones'. The work is said to have been published three times, but I have only been able to consult an online copy of it to compare it to Muqātil's work. Available at: http://alkabs.net/quran_explanations.php?id=4 (accessed 1 June 2014). The *jihād* section includes long portions that are identical to Muqātil's work, although the headings are different; available at: http://alkabs.net/index.php?option=com_content&task=view&id=185&Itemid=100 (accessed 1 June 2014).
10. The topic is covered in ff. 93b–98a of the text. Wansbrough discusses this section in *Quranic Studies*, pp. 170–1; his description is somewhat misleading. The six topics into which Wansbrough divides the text are not those of the original manuscript, but Wansbrough's own sense of the progression of the text and the relevant Qurʾānic props. Given the uncertainty of how the final form of the text was achieved, Wansbrough may have been suggesting that such divisions were closer to the original design than the perhaps later imposed headings.

1) Fighting (*qitāl*) as *jihād* against the polytheists. (No formal title is given to this section; this is a gloss from the middle of the passage that applies to the section.)

- Q 2:216 ('It is decreed on you to fight even though it is detestable to you. For it may well be that you detest something even though it is good for you and it may well be that you love something even though it is bad for you. God knows and you do not know.')[11]
- Q 22:39–40 ('Permission is given to those who fight because they are wronged. Surely God is able to help them! Those who were driven out of their homes unjustly [are those who were wronged].')
- Q 61:4 ('God loves those who fight on His behalf[12] arrayed as if they were a well-compacted line.')
- Q 61:10–13 ('O you who believe, shall I show you a trade that will save you from a painful punishment? Believe in God and His messenger and struggle on behalf of God with your possessions and yourselves. That is better for you if only you knew. He will forgive you for your sins and cause you to enter the gardens under which rivers flow and fine dwelling places. That is a great triumph. Another thing you love is support from God and imminent victory. So inform the believers!')

2) God's favouring the fighters (*mujāhidūn*) among the Muslims over those who stay behind (*qāʿidūn*).

- Q 4:95–6 ('Those of the believers who stay at home while suffering from no injury are not equal to those who fight on behalf of God [omit: with their possessions and persons]. God has raised those who fight [omit: with their possessions and persons] one degree over those who stay at home. To each God has promised the fairest good. Yet God has granted a great reward to those

11. The Qurʾān translation used in this essay is indebted to Majid Fakhry, *An Interpretation of the Qur'an* (New York, 2002).
12. *Fī sabīl* here, as Andrzej Zaborski, 'Etymology, etymological fallacy and the pitfalls of literal translation of some Arabic and Islamic terms', in *Words, Texts and Concepts Cruising the Mediterranean Sea: Studies on the Sources, Contents and Influences of Islamic Civilization and Arabic Philosophy and Science, Dedicated to Gerhard Endress on his Sixty-fifth Birthday*, eds R. Arnzen and J. Thielmann (Leuven, 2004), pp. 143–4, points out, must be viewed as a grammaticalised phrase that functions as a preposition meaning 'for the cause of' or 'on behalf of'; the literal translation 'in the path of' would best be avoided, especially because of what it tends to imply today concerning *jihād*.

who fight and not to those who stay behind. Degrees of honour from Him, and mercy. God is all-forgiving, merciful.')

3) How those who kill and are killed among the fighters will share in the hereafter.

- Q 9:111 ('God has bought from the believers their lives and their wealth in return for paradise. They fight, they kill and they get killed. That is a true promise from Him in the Torah, the Gospel and the Qurʾān. And who fulfils his promise better than God? So rejoice at the bargain you have made with Him, for that is the great triumph.')[13]
- Q 4:74b ('Those who fight on behalf of God and are killed or triumphs will reap a great reward.')

4) The spirit of the martyrs among the fighters on behalf of God.

- Q 2:154 ('Do not say of those who are killed on behalf of God that they are dead. Rather, they are alive but you are unaware.')
- Q 3:169–70 ('And do not think those who have been killed on behalf of God as dead. Rather, they are living with their Lord, well-provided for, rejoicing in what their Lord has given them of His grace and they rejoice for those whom they left behind and who did not join them – they have nothing to fear and they shall not grieve.')

5) Those who make *ribāṭ*/are steadfast (*murābiṭ*)[14] on behalf of God.

- Q 3:200 ('O you who believe! Be patient and vie in patience and make *ribāṭ*. Fear God so that you may prosper.')

6) God's strengthening the Muslims in fighting the polytheists and (His) withdrawal of (that support).

13. This verse is popular among modern *jihādī*s and is said to gird the promises to suicide bombers, emphasising the individualistic nature of the 'bargain' or contract with God. That sense is certainly not conveyed explicitly in Muqātil's rudimentary glosses to this passage.
14. Regarding the meaning of 'making *ribāṭ*' that arises here, Muqātil has little helpful to say. He simple glosses the 'enemy', the object of the order to 'make *ribāṭ*', as the polytheists who must be confronted until they become Muslim. On the meaning of this term, see Chabbi, 'Ribāṭ'; Bonner, *Jihad*, pp. 50–1, 136–7.

- Q 8:15–16 ('O you who believe. If you meet those who disbelieve while marching, do not turn your backs on them. Whoever turns his back on that day, unless preparing to resume fighting, or joining another group will incur God's wrath and his refuge is hell which is an evil fate!')
- Q 8:65–6 ('If there are twenty steadfast men among you, they will defeat two hundred. If there are one hundred among you, they will defeat a thousand . . . Now God has lightened your burden. He knows there is weakness in you. So if there are a hundred steadfast men among you, they will defeat two hundred and if there are one thousand, they will defeat two thousand.')
- Q 3:155 ('Those of you who fled on the day the two armies met were made to slip by Satan on account of something they had done. However, God has forgiven them; indeed God is forgiving and merciful.')
- Q 9:25 ('The day of Ḥunayn when you were pleased with your large numbers and it did not help you and the land became constricting despite its breadth, so you turned and fled.')

7) The division of a portion of the booty (*fayʾ*) of the polytheists among the people of war (*ahl al-ḥarb*).

- Q 8:41 ('Know that whatever booty you take, a fifth of it is for God and His messenger and the near of kin, the orphans, the very poor and the wayfarer if you believe in God.')

8) What will happen to those who cheat regarding the spoils (*ghanīma*).

- Q 3:161–3 ('It does not benefit any prophet to cheat for whoever cheats will carry what he has taken on the day of judgement when each soul will be repaid for what it has done. They will not be wronged. Is he who follows God's good pleasure be like him who brings upon himself the wrath of God and whose destiny is hell which is an evil fate. They have different degrees with God. God sees what they do.')

9) The command given to the Muslims regarding fighting the Jews and Christians until they agree to pay taxes (*kharāj*).

- Q 9:29 ('Fight those who do not believe in God and the last day and do not forbid what God and His messenger forbid and do not profess the religion of the truth among those who were given the book until they pay the poll tax (*jizya*) from their possessions [out of their hands] and are submissive.')

10) The command given to the Muslims regarding fighting the rebels (*baghī*) among the believers.

- Q 49:9–10 ('If two parties among the believers fight one another bring them together peacefully. If one of them wishes to oppress the other, then fight the oppressor until it returns to the command of God. If it returns, then bring them together in fairness and judge with justice. God loves those who act justly. Believers are brothers so bring your two brothers together and fear God; perhaps you will be treated with mercy.')

11) Those who desire to return (to life) among those who suffer adversity.[15]

- Q 2:155–7 ('We will certainly test you with some fear and hunger and loss of property, people and crops. Spread the good news to those who are patient. Those who are visited by adversity and say "We are God's and to Him we shall return", upon those people are blessings from their Lord and mercy.')

The above outline of the text should not leave the impression that the text is just a simple compilation of topics and Qurʾānic props. Rather, the text does provide commentary for each verse cited. These exegetical sections have been traced to Muqātil's full *Tafsīr* and reflect the narrative nature of that work overall.[16] For example, the first topic cites Qurʾān 2:216 in the following manner:

> In *sūra* 2, God says: 'Fighting is commanded upon you even though it is disagreeable to you.' God ordered the Prophet and the believers while in Mecca to

15. A number of other sections follow this, not separated by any overall title, covering ff. 98a–103a; they are described as 'miscellaneous' by Wansbrough. Included in that section is what has also been called an 'Appendix', ff. 100b–103a, as studied by Goldfeld, 'Pseudo Ibn ʿAbbās Responsa-polemics'. Just where the dividing line that separates the treatment of *jihād* from the 'miscellaneous' matter is supposed to be may well be questioned. Number 11 on f. 98a, which I have included here under *jihād*, is entitled 'Those who desire to return (to life) among those who suffer adversity' and may well be considered tangential to the specific topic of *jihād* and of a more 'miscellaneous' character; however, the ethical tone of the passage does suggest some sense of connection. That is not to suggest that this is 'moral *jihād*' as it later becomes known, but in so far as the text conveys a general sense of *jihād* as a battle against the forces of unbelief with clear ethical overtones, one might be justified in seeing some sort of connection.
16. Sinai, *Fortschreibung und Auslegung*, Chapter 10, has suggested additional clarification of the nature of Muqātil's *tafsīr* by arguing that this is not always 'narrative' as such, but composed of brief explanatory glosses (as in most of the instances in the section on *jihād*). That these glosses combine to create a larger narrative, however, does need to be recognised, it seems to me.

practice *tawḥīd*, establish prayer and give *zakāt* unprovisionally and to stay away from fighting. After the *hijra* to Medina, the rest of the obligations were revealed and permission to fight was given.

Overall, it would seem that no overarching legal principles can be derived from Muqātil's analysis of the Qurʾān; the topics are presented as ethical directives and not prescriptive judgements.[17] Furthermore, the citation of scripture is not systematic, nor is it complete in comparison with what becomes the 'standard' *jihād* verses of later centuries.[18] The absence of citation of some prominent verses is certainly notable. Muqātil does not cite either of the most aggressive of the Qurʾānic verses: Qurʾān 9:5,[19] nor Qurʾān 2:190–1,[20] both of which talk about killing the unbelievers wherever they are found; the verses that are often cited as counselling 'patience' are also absent.[21] However, the first section of the text does convey what Reuven Firestone has called the 'classic evolutionary theory of war'[22] approach to the topic in the Qurʾān, as the above quote of the comment on Q 2:216 indicates. Firestone speaks of this approach as the dominating motif in Muslim treatments of the subject, and he locates four stages in different periods of Muḥammad's life in which the view of fighting evolved: a) non-confrontation; b) defensive fighting; c) initiating attack allowed, but within ancient strictures (reflecting pre-Islamic culture); and d) unconditional command to fight all unbelievers. While this structure may seem commonplace, it is by no means obvious or even required in the text of the Qurʾān, as Firestone's own analysis makes apparent.[23] Firestone also notes the lack of consistency among the exegetes concerning which verses fit within each stage and in the interpretation of each verse; this is certainly evident in the instance of Muqātil. A few other observations may also be made. The way Muqātil phrases the gloss of Qurʾān 2:216 as just quoted might be seen to support the notion of *jihād* as a 'species of pious renunciation'[24] for early Muslims, in that *jihād* is put on a level with

17. See Wansbrough, *Quranic Studies*, p. 173, for his appraisal.
18. The presence of Q 9:111 is notable, especially because of its resonances with the Khārijīs and modern-day *jihādī*s.
19. See Reuven Firestone, *Jihād. The Origin of Holy War in Islam* (New York, 1999), p. 62.
20. See Firestone, *Jihād*, p. 59.
21. See Firestone, *Jihād*, p. 51–3.
22. See Firestone, *Jihād*, Chapter 3.
23. Firestone's overall point in reading the Qurʾān is that one need not read it in this manner – that the passages can be organised in a different manner and seen as representing different opinions among members of the early community.
24. Thomas Sizgorich, 'Sanctified violence: monotheist militancy as the tie that bound Christian Rome and Islam', *Journal of the American Academy of Religion* 77 (2009), p. 906.

other fundamental practices of Muslims. Notably, while the fact of the obligation (*farḍ*) of *jihād* is also stated in a subsequent gloss of the same Qurʾān passage, 2:216, in relationship to its phrase *kutiba ʿalaykum*, 'Fighting is commanded upon you', the full implications are not explored so as to stipulate under what conditions, if any, such an obligation is to be fulfilled. Further, the outcome of fighting which Muqātil describes as 'conquest, booty and martyrdom' appears to be the ultimate value conveyed when he suggests in a gloss of the notion that fighting is something that might be detested, but there is 'good' in it (as Qurʾān 2:216 again has it, when it continues: 'For it may well be that you find it disagreeable although it is good for you').

The second text to be considered is that of Abū ʿUbayd al-Qāsim b. Sallām, who was born in about 154/770 in Herat and was educated in Basra and Kufa in philology, *ḥadīth* and law. He taught in Khurasan, became a *qāḍī* in Tarsus (from 192/807 to 210/825), travelled and finally settled in Baghdad, where he was supported by the Tahirid governor of Khurasan, ʿAbd Allāh b. Ṭāhir (d. 230/844). He died in Mecca in 224/838. Abū ʿUbayd was a prolific author with a number of his books having come down to us, including philological works on proverbs and the vocabulary of *ḥadīth*, as well as works on taxation, the Qurʾān, *ḥadīth* and theology.[25]

Abū ʿUbayd's book *Kitāb al-Nāsikh wa-l-mansūkh*[26] is of interest here because it provides an elaboration of the law as its primary focus of attention, with a clear interest in abrogation as a juridical principle and its implications. In

25. On him, see Hans Gottschalk, 'Abū ʿUbaid al-Qāsim b. Sallām. Studie zur Geschichte der arabischen Biographie', *Der Islam* 23 (1936), pp. 245–89; Andreas Görke, *Das Kitāb al-Amwāl des Abū ʿUbaid al-Qāsim b. Sallām. Entstehung und Überlieferung eines frühislamischen Rechtswerkes* (Princeton, 2003); Reinhard Weipert, 'Abū ʿUbayd al-Qāsim b. Sallām', in *EI3*.
26. See Fuat Sezgin, *Geschichte des Arabischen Schrifttums* (9 vols) (Leiden, 1967–84), 1, p. 48; 8, p. 85. A facsimile edition of the only existing complete manuscript of the work, Ahmet III 143 (with the 209 folios numbered as 419 pages), was published by Fuat Sezgin (Frankfurt, 1985). That manuscript was edited with a commentary by John Burton (Cambridge, 1987) as *Abū ʿUbayd al-Qasim b. Sallām*'s K. al-Nāsikh wa-l-Mansūkh (*MS Istanbul, Topkapı, Ahmet III A 143*); it was also edited by Muḥammad al-Mudayfir (Riyadh, 1990) and ʿAbd al-Qādir ʿAṭā (Beirut, 2006). See A. Rippin, 'Abū ʿUbaid's *Kitāb al-Nāsikh wa-l-mansūkh*', *Bulletin of the School of Oriental and African Studies* 53 (1990), pp. 319–20, for details on the manuscript fragment, Türk ve Islam Eserli Müzesi 7892. For an outline of the text, see Burton's edition, pp. 55–6. Also see Christopher Melchert, 'Qurʾānic abrogation across the ninth century: Shāfiʿī, Abū ʿUbayd, Muḥāsibī, and Ibn Qutayba', in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden, 2002), pp. 75–98, esp. p. 98 concerning the possibility of multiple authorship underlying the composition of the work.

that sense, the text is a theoretical justification of abrogation and its attestation in both the Qurʾān and the Sunna, certainly very different from that of Muqātil's *Tafsīr al-Khams Miʾat Āya*. Abrogation for Abū ʿUbayd becomes a device whereby scriptural support is found for laws whose source is likely to be other than scripture and for which scripture can provide evidence of a different point of view. The text by Abū ʿUbayd appears to reflect a time when issues were not settled in Islamic law generally or in abrogation specifically; the approach to the subject in the text is both rudimentary and unsystematic.[27] Abū ʿUbayd's work is divided into twenty-seven legal chapters overall, including ones on prayer, alms giving, fasting, marriage, divorce, *jihād*, booty, prisoners, inheritance, orphans and so forth.[28] Abū ʿUbayd's interest in abrogation is legal, but also ultimately theological. In keeping with his views on faith, *īmān*,[29] as varying in level according to works performed, abrogation can be seen to be a means by which God provides an inducement to people for them to join Islam (and attain the status of 'believer') by a temporary variation in the obligatory nature of certain duties.

Abū ʿUbayd's approach to *jihād* and the topics that he considers of prime concern in understanding the Qurʾān in relationship to it arise in his chapter entitled *Bāb al-jihād wa-nāsikhuhu wa-mansūkhuhu*,[30] where he declares that there are four instances of abrogation that fall under that heading: two come under

27. It should be noted that Abū ʿUbayd's writings do not become aligned with any later law school, although in most instances (especially as evidenced in his *Kitāb al-Amwāl*) he aligns himself most frequently with opinions from the Hijaz (and what becomes the Mālikī school) as opposed to those from Iraq; later tradition often aligns him with the Shāfiʿī school (and speak of him as a student of al-Shāfiʿī; see Weipert, 'Abū ʿUbayd'), although his works display little acquaintance with al-Shāfiʿī himself or his ideas; see Melchert, 'Qurʾānic abrogation', p. 78.
28. On the work overall, see Wansbrough, *Quranic Studies*, p. 198; Burton, *Abū ʿUbayd*, pp. 55–6 for the list of chapter headings; Andrew Rippin, 'The exegetical literature of abrogation: form and content', in *Studies in Islamic and Middle Eastern Texts and Tradition in Memory of Norman Calder*, eds G. Hawting, J. Modaddedi and A. Samely (Oxford, 2000), pp. 227–8.
29. See J. Meric Pessagno, 'The Murjiʾa, Īmān and Abū ʿUbayd', *Journal of the American Oriental Society* 95 (1975), pp. 382–94; Wilferd Madelung, 'Early Sunnī doctrine concerning faith as reflected in the *Kitāb al-Īmān* of Abū ʿUbayd al-Qāsim b. Sallām (d. 224/839)', *Studia Islamica* 32 (1970), pp. 233–54.
30. Uri Rubin, in reviewing Burton's edition of Abū ʿUbayd (*Der Islam* 70 [1993], pp. 167–70), points out that the manuscript places the topics of *asārā* (Sezgin mss facsimile, p. 299) and *maghānim* (Sezgin mss facsimile, p. 310) as separate *bāb*s, whereas Burton has consolidated them into one under *bāb al-jihād*. The justification for Burton's decision appears to be the statement at the beginning of *bāb al-jihād* that brings all three topics together. It may also be remarked that only in the case of the title of *bāb al-jihād* is the

qitāl, 'fighting'[31] and the other two under *asārā*, 'prisoners',[32] and *maghānim*, 'booty',[33] although a number of other Qurʾānic verses are discussed in addition.

The first aspect under the topic of *qitāl* is described as: 'The permission God gave his prophet and the Muslims regarding *jihād* against the polytheists after they had been prevented from doing that by Him before the *hijra*. After that event, God permitted it.' This is, once again, the fundamental statement of the 'evolutionary' approach to the topic of *jihād* in the Qurʾān already seen in Muqātil. Permission to fight was given in the Qurʾān and then, subsequently, many verses on related topics were revealed. Abū ʿUbayd's discussion then seems to follow a certain progression of thought, raising issues that might have been considered to constrain the general permission to fight. As part of several traditions, Abū ʿUbayd cites Q 22:39–40 as the first revelation in the Qurʾān that permitted fighting ('Permission is given to those who fight because they are wronged'). Another report lists several verses which counsel patience, including Q 88:22, 50:45, 5:13 and 45:14, which were abrogated by Q 9:5 and 9:29. This granting of permission to fight then raises the issue of those who did not participate in *jihād*, addressed through Q 9:45 ('Only those who do not believe in God and the last day will ask you [for exemption] and their hearts are in doubt') and 24:62 ('If they are with him for some common affair, they will not go out until they are permitted to do so'), with the former perhaps abrogated by the latter. With permission granted for fighting and the obligation established, the next issue becomes the constant topic within discussions of abrogation – that of the odds to be confronted when fighting, which sees Q 8:65 abrogated by 8:66. A discussion of treaties and agreements follows on from here, with a complex series of references to Q 8:61 ('And if they incline to peace, incline to it too') being abrogated by 9:29, requiring the payment of *jizya*. This then raises issues surrounding references to the 'sacred months' with *sūra* 9, verses 2 through 7, giving rise to considerable discussion as to who is being referred to in these verses. Clearly, the central issue is the status of treaties during the lifetime of

full formula that is used elsewhere in the book employed, such that it adds the phrase *wa-nāsikhuhu wa-mansūkhuhu* (or some variant on that); this is not the case for the headings for the divisions on *asārā* and *maghānim* in the manuscript. The copyist of the manuscript employed red ink in numerous places in the manuscript in addition to using it in the titles, and it may well be that the addition of these two extra *bāb*s was an innovation of the copyist. Compositional issues plague early texts, of course, such that the definition of authorship becomes highly contested, as may be seen in many of the reactions to Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford, 1993).

31. Burton, *Abū ʿUbayd*, ff. 136a–50b.
32. Burton, *Abū ʿUbayd*, ff. 150b-–6a.
33. Burton, *Abū ʿUbayd*, ff. 156a–7a.

Muḥammad.[34] This then continues with the issue of those with whom one has covenants in reference to Q 4:90 ('[Kill them] except for those who seek refuge with a people to whom you are bound by a covenant . . .') and 60:8 ('God does not forbid you . . . to be generous to them . . .'), which are said to be abrogated by Q 9:1 through 11, which cancel all treaties and settlements.

The second main aspect under the topic of *qitāl* relates to the notion of *jihād* as an obligation.[35] The discussion starts with Q 9:41 ('Charge forth, on foot or mounted'), which is said to have made fighting an obligation for every Muslim. More detailed discussion emerges via Q 4:75 ('Why don't you fight on behalf of God?') and the assertion that no longer will *hijra* be made to avoid oppression;[36] *jihād* is now an obligation, even a pillar of Islam, that will last until the day of judgement. There is a difference of opinion acknowledged as to the nature of this as a *farḍ*,[37] since Q 9:122 ('The believers should not all go to war') shows that not everybody should participate at once. This still leaves the issue of the sacred months, about which there is disagreement (invoking Q 9:36, 2:217 and 9:5), although Abū ᶜUbayd states that he knows that it is the practice on the frontier (*thughūr*) to undertake fighting (*ghazw*) in all months, regardless of whether they are sacred or not; no one in Syria or Iraq disagrees, and he believes that those in the Hijaz also concur. Those in charge (*'ulamā' al-thughūr*) consider the 'sword verse', Q 9:5, to have abrogated any time restrictions related to *jihād*, including fighting during the sacred months.

The third overall topic, the discussion of prisoners, raises three issues related to their treatment and the options that are available: *fidāʾ* (ransom), *mann* (release) and *qatl* (execution). Abū ᶜUbayd thinks that all options are open and there is no abrogation, as demonstrated by the variety of actions the Prophet himself took. Some differences of opinion are conveyed concerning whether captive males must be executed, whereas women could be ransomed. Some jurists entertained slavery as the consequence, but this injunction, it is said, could not apply to captured Arabs.

On the last topic of booty there is dispute about the matter of abrogation regarding the 'spoils', *anfāl*, of Q 8:1 that are said to belong to God. This may have been abrogated by Q 8:41 (the verse that says that a fifth of all booty is for God), *anfāl* then being glossed as *ghanīma*. The question remains, then, as to whether *anfāl* is a 'gift' from God or a 'gift' from the commander to his troops

34. See Burton's notes in *Abū ᶜUbayd*, p. 133.
35. Burton, *Abū ᶜUbayd*, ff. 142a–50b.
36. On this see, Patricia Crone, 'The first-century concept of "hiğra"', *Arabica* 41 (1994), pp. 352–87.
37. Burton, *Abū ᶜUbayd*, ff. 146b–7a.

and not a part of the divided booty (and thus rejecting the gloss that makes *anfāl* and *ghanīma* equivalent).[38]

While all the details regarding abrogation within Abū ʿUbayd's discussion are of significance, as are the specific glosses that Muqātil gives to the verses he cites, other types of observations are more relevant to my goals here. Both Abū ʿUbayd and Muqātil describe the Qurʾānic contents on *jihād* under categories that prove relevant to them, but in neither instance could they be described as encompassing the entire Muslim juristic position on the topic, nor do they even agree as to which topics are of significance. The range of topics is limited, as compared to other contemporary juristic texts; al-Shaybānī's *Siyar*, for example, seems concerned with the practical issue of safe conduct and the implications of travelling in an area that is technically a part of *dār al-ḥarb*.[39] For Muqātil and Abū ʿUbayd, those issues could have been raised in relationship to the status of treaties, for example, but they were not. Rather, the broader sense of the legitimacy of *jihād* seems more pressing and the obligation to be involved in *jihād* relates more to the merits accruing to individuals from fighting than to ensuring that everyone participates.

The texts are also clearly distant from the realities of the fighting going on at the time of the texts' composition. One notable exception here is, of course, Abū ʿUbayd's reference to fighting on the frontier taking place during the former sacred months. Here, we see an attempt to align current practice with the Qurʾān through the tool of abrogation. Such a reference does not tell us anything about the nature of the fighting going on and the extent to which war can be pictured as 'religious *jihād*', as compared to a commander with hired troops in charge of protecting and potentially extending the borders of the empire. Rather, it brings out the point of the text: that community practice must be taken into account when interpreting the Qurʾān and that the text of scripture can be aligned – in fact, must align – with that practice when it comes down to the details. The issue of fighting in the 'sacred months'[40] and its legacy in later Islam needs further investigation in relationship to notions of *jihād*. Some initial scholarly studies on Rajab (and Shaʿbān) are helpful, but they have focused more on fasting

38. Burton's notes in *Abū ʿUbayd*, p. 141, point to Abū ʿUbayd's *Kitāb al-amwāl* as showing that he was fully aware of the implications of this discussion, even though they do not get raised explicitly in his work on abrogation.
39. See Majid Khadduri, *The Islamic Law of Nations. Shaybani's Siyar. Translated with an Introduction, Notes and Appendices* (Baltimore, 1966), Section VI of the translation.
40. The entire notion of 'sacred months' itself is complicated and confused: see Alexander Knysh, 'Months', in *Encyclopedia of the Qurʾān*, ed. Jane Dammen McAuliffe (Leiden, 2003), 3, pp. 409–14; also, see Firestone, *Jihad*, pp. 57–9.

practices and general merits.[41] The question of the sacred months even has some modern resonances, with the occasional concern arising about fighting wars during Ramadan and the current use of that as a polemical *topos*.[42]

The notable aspect of both of the works under consideration is, of course, their focus on the Qurʾān. *Jihād* in these works is not to be explained (or defended or supported or urged) by reference to military actions in the time of Muḥammad (except to the extent to which they can help explicate the Qurʾān) in the manner of *maghāzī* works, nor are these works structured to meet the needs of the state in establishing rules of war. However, it is clear that both works approach the topic in quite different ways, while both are concerned with asserting a relationship between the Qurʾān and juristic categories. Muqātil's is a moralistic-ethical account and it is hard to see that his attitude to the text of the Qurʾān is legalistic in the main. That is an assessment that coincides with that of Joseph Schacht and, after him, Wansbrough in the idea that, in the earliest period, the Qurʾān was understood as essentially ethical and only incidentally as a legal body of maxims.[43] The general ethical approach embedded in Muqātil contrasts with the juristic approach of Abū ʿUbayd, where some, although certainly not all, of the pressing legal issues such as prisoners are dealt with, which topics are absent in Muqātil. That is, perhaps, not a very surprising observation. The reasons behind it may have to do with the socio-political context of composition and compilation of the texts, but it may simply reflect the nature of the different authors and their works. Still, it is possible that the different works reflect differing political contexts, as Michael Bonner[44] has argued in general: warfare necessarily gets framed not only in terms of what the Qurʾān says, but also in light of political realities and the need to support and motivate political interests. Muqātil's work certainly conveys the 'virtues' of *jihād* as

41. See M. J. Kister, '"Rajab is the month of God": a study in the persistence of an early tradition', *Israel Oriental Studies* 1 (1971), pp. 191–223; Kister, '"Shaʿbān is my month . . .". A study of an early tradition', in *Studia orientalia memoriae D.H. Baneth dedicata*, ed. Joshua Blau (Jerusalem, 1979), pp. 63–70.
42. See, for example, M. A. Khan, 'Ramadan jihad and scholars' ignorance'. Available at: http://www.islam-watch.org/MA_Khan/Ramadan-Jihad-and-Scholars-Ignorance.htm (accessed 1 June 2014).
43. See Wansbrough, *Quranic Studies*, p. 173 on Muqātil: in the work, 'concepts which are essentially, or even potentially, juridical are presented as ethical categories, exemplary and hortatory, but rarely prescriptive'. Also, see *Quranic Studies*, p. 174, in viewing the Qurʾān as essentially ethical and only incidentally a legal body of maxims, citing Joseph Schacht. Also, see David R. Vishanoff, *The Formation of Islamic Hermeneutics: How Sunni Legal Theorists Imagined a Revealed Law* (New Haven, 2011).
44. Bonner, *Jihad*, Chapter 7.

far as the participants go, but provides relatively little on the rules of war. Abū ʿUbayd, on the other hand, attempts a rudimentary explication of some rules, although that is perhaps limited by the framework of abrogation within which he is working; however, our knowledge of the extent of the dispute between jurists on other related topics – safe conduct is one Wansbrough points to[45] – suggests that it would have been possible for him to incorporate more material if he thought it important to do so. Certainly, the meritorious nature of service in *jihād* is apparent, as Chabbi has pointed out.[46]

Does the absence of a verse such as Qurʾān 9:5, 'Slay the unbelievers wherever you find them', from Muqātil suggest that the work is written at a time when this verse was not yet deemed quite as crucial to the evolutionary theory of *jihād*? This theory, Mottehedeh and al-Sayyid suggest,[47] was the true accomplishment of the post-Umayyad period, when some jurists wished to argue for perpetual warfare as an obligation in the face of a stalemate or equilibrium on the Byzantine frontier especially. As was observed above, while Muqātil certainly invokes a rudimentary version of the evolutionary development in his interpretation, the full series of verses themselves do not appear to be fully established at that time. Wansbrough has pointed out[48] that the historical tags for divine aid in fighting *jihād*, which Muqātil does cite, suggest a closer connection to the narrative of the life of the Prophet and the general *maghāzī* setting than to the realities of contemporary warfare, even if they stay distant from portraying Muḥammad's life as a justification for *jihād* as a whole.

We can also see some general early attitudes towards the Qurʾān and *jihād*, attitudes that do not come as any surprise to those who have examined other early texts on this topic. Both works reflect observations that others have made: there is no distinction between *jihād* and *qitāl* in these works, and no suggestion that there are different kinds of *jihād* or that *jihād* has any sense other than that connected to warfare; this may be deemed obvious, but it is significant, given the analysis that some scholars have provided of the Qurʾānic data on the use of the word *jihād*,[49] such that a considerable number of passages in the Qurʾān could be deemed 'doubtful' as to whether they even refer to warfare. There is also little support in these texts for understanding *jihād* with any sort of generic 'effort' meaning: the gloss of 'fighting', *qitāl*, is consistent – *jihād* has become

45. Wansbrough, *Quranic Studies*, p. 170.
46. Chabbi, 'Ribāṭ', *EI2*.
47. Mottehedeh, al-Sayyid, 'Idea of *jihād*', p. 28.
48. Wansbrough, *Quranic Studies*, p. 171.
49. See, for example, Ella Landau-Tasseron, 'Jihād', in *Encyclopedia of the Qurʾān*, ed. Jane Dammen McAuliffe (Leiden, 2003), 3, pp. 35–43.

the Islamicised term for the secular *qitāl*.[50] Even the rudimentary juristic categorisation of Muqātil's work does not remove the sense in which, early on, *jihād* was fundamentally seen as *qitāl*.

Scholarly research of recent decades has taught us much about the varying status and nature of *jihād* in the early centuries of Islam. The idea, as Mottahedeh and al-Sayyid put it,[51] that 'details about the conduct of *jihād* continue to reflect historical circumstance throughout the history of Islamic law' may well be an element in the structure of the two texts under consideration, reflecting the early centuries' ethical and practical concerns about the continued struggles on the borders of the Islamic empire. The analysis of the texts may be helped by introducing elements of authorial biography in order to situate the text, but the vagaries of composition and transmission in the early centuries make this a fraught enterprise with speculative results when it comes to these two specific texts. Both authors are certainly associated with the fringes of the empire, as well as the heartlands: which, are we to say, dominates in their perspective? More importantly, Sizgorich's notion that the 'jihad was a concept that evolved in accord with the intellectual currents and moral preoccupations'[52] of both Muslims and non-Muslims does find support in these two texts through the emphasis on the spiritual aspects and implications of fighting. Again, perhaps that is not a very surprising conclusion.

50. See Zaborski, 'Etymology', p. 143.
51. Mottahedeh, al-Sayyid, 'Idea of *jihād*', p. 23.
52. Sizgorich, 'Sanctified violence', p. 915.

CHAPTER

4

IBN AL-MUBĀRAK'S *KITĀB AL-JIHĀD* AND EARLY RENUNCIANT LITERATURE

*Christopher Melchert**

ᶜAbd Allāh b. al-Mubārak (d. 181/797) was a famous traditionist, born in Marv in 118/736–7 or 119/737.[1] He was a client to the Banī Ḥanẓala, and the Kufan traditionist al- Aᶜmash is said to have declared: 'I will not relate *ḥadīth* to a group that includes this Turk.'[2] (This story may have come from speculation as to why he related so little of al-Aᶜmash, yet be nonetheless accurate as to his ethnic identity and prejudice against it.) He first visited Iraq in 141/758–9 in his early twenties.[3] He collected *ḥadīth* in Yemen, Syria, Egypt, Basra and Kufa. Several stories of his munificence indicate that he was a wealthy trader.[4]

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1. See Fuat Sezgin, *Geschichte des arabischen Schrifttums* (9 vols) (hereafter *GAS*, Leiden, 1967–84), 1, p. 95; also al-Dhahabī, *Tārīkh al-islām* (52 vols), ed. ᶜUmar ᶜAbd al-Salām Tadmurī (Beirut, [1407–21] 1987–2000), 12 (181–90 H.), pp. 220–48, with further references.
2. Abū al-Qāsim al-Baghawī, *al-Jaᶜdiyyāt* (2 vols), ed. Rifᶜat Fawzī ᶜAbd al-Muṭṭalib (Cairo, [1415] 1994), 1, p. 243. Admittedly, an alternative version is unsure which ethnic identity was at stake, quoting al-Aᶜmash as saying either 'this Turk' or 'this Khurasani': Aḥmad b. Ḥanbal, *K. al-ᶜIlal wa-maᶜrifat al-rijāl* (4 vols), ed. Waṣī Allāh b. Muḥammad ᶜAbbās (Beirut, 1988), 2, p. 365 = *K. al-Jāmiᶜ fī al-ᶜilal wa-maᶜrifat al-rijāl* (2 vols), ed. Muḥammad Ḥusām Bayḍūn (Beirut, [1410] 1990), 1, p. 329. Henceforth, references to the latter edition will be in *italics*. Al-Aᶜmash (Sulaymān b. Mihrān, d. 148/765?) nonetheless appears among Ibn al-Mubārak's shaykhs, although seldom.
3. Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād* (14 vols) (Cairo, [1349] 1931; repr. Cairo and Beirut, n. d.), 10, p. 168 = *Tārīkh Madīnat al-Salām* (17 vols), ed. Bashshār ᶜAwwād Maᶜrūf (Beirut, [1422] 2001), 11, p. 407. Henceforth, references to the latter edition will be in *italics*.
4. Notably, Ibn Abī Ḥātim al-Rāzī, *K. al-Jarḥ wa-l-taᶜdīl* (9 vols) (Hyderabad, 1360–71; repr. Beirut, n. d.), 1, pp. 276–8.

Numerous stories indicate an early adherence to Kufan jurisprudence or Abū Ḥanīfa in particular, from which he broke off late in life; for example, half of the biography of al-ᶜIjlī (d. 261/874–5) is taken up by evidence of Ibn al-Mubārak's having renounced his early acceptance of *nabīdh* (date wine) – a notorious Kufan position.[5] Presumably, the characterisation of his early adherence is more reliable than insistence on his repudiating it, stories of late repudiation apparently being designed to cancel a well-known but, to the ninth-century Sunnī party, embarrassing fact. (Ḥanafī literature, of course, celebrates Ibn al-Mubārak's admiration for, and dependence on, Abū Ḥanīfa – for example, our earliest extant biographical dictionary of Abū Ḥanīfa and the Ḥanafī school includes Ibn al-Mubārak among nine members of the generation of Abū Ḥanīfa's immediate disciples.[6] Aḥmad b. Ḥanbal's own break with the Ḥanafiyya occurred around the time of Ibn al-Mubārak's death.)

There are also early stories of his participating in the holy war against the Byzantines, although not stressing feats of arms; for example, that he would spend the night in ritual prayer when he thought his comrades were sleeping.[7] One of the earliest biographies states that he died returning from an expedition.[8] Michael Bonner observes that feats of arms are increasingly stressed in later biographies.[9] However, they do not show up, even in so late a collection as Abū Nuᶜaym (d. Isfahan, 430/1038), *Ḥilyat al-awliyāᵓ*, which is concerned rather with his strenuous devotions, his prowess as a collector of *ḥadith* and his position *vis à vis* contemporary traditionists and jurisprudents.[10] This study of the *Kitāb al-Jihād* attributed to him will confirm that participation in the holy war was subordinate, for him, to the life of pious renunciation more generally.

WORKS ATTRIBUTED TO IBN AL-MUBĀRAK

Ibn al-Nadīm attributes to Ibn al-Mubārak five works: *Kitāb al-Sunan* on jurisprudence (*fiqh*), *Kitāb al-Tafsīr*, *Kitāb al-Tārīkh*, *Kitāb al-Zuhd* and *Kitāb al-Birr*

5. Al-ᶜIjlī, *Tārīkh al-thiqāt*, arr. Ibn Ḥajar al-Haythamī, ed. ᶜAbd al-Muᶜṭī Qalᶜajī (Beirut, [1405] 1984), pp. 275–6. See also (especially) a series of quotations against Abū Ḥanīfa *apud* al-Khaṭīb al-Baghdādī, *Tārīkh*, 13, pp. 403–4/426–9; *15, pp. 555–7*.
6. Al-Ṣaymarī, *Akhbār Abī Ḥanīfa wa-aṣḥābih*, eds Abū al-Wafāᵓ al-Afghānī et al., *Silsilat al-maṭbūᶜāt* (Hyderabad, [1394] 1974; repr. Beirut, 1976), 13, pp. 134–7.
7. Ibn Abī Ḥātim, *Jarḥ*, 1, pp. 266–7.
8. Ibn Saᶜd, *Biographien* (9 vols), eds Eduard Sachau et al. (Leiden, 1904–40), 7/2, pp. 104–5 = *al-Ṭabaqāt al-kubrā* (9 vols) (Beirut, 1957–68), 7, p. 372.
9. Michael Bonner, *Aristocratic Violence and Holy War* (New Haven, 1996), p. 120.
10. Abū Nuᶜaym, *Ḥilyat al-awliyāᵓ* (10 vols) (Cairo, [1352–7] 1932–8), 8, pp. 162–90.

wa-l-ṣila.[11] Of these, only *al-Zuhd* is extant. The first two were presumably collections of earlier legal opinions and glosses on the Qurʾān, respectively. Ibn al-Mubārak quotes a fair number of glosses on the Qurʾān in *al-Zuhd* (around 6 per cent of all items), but other, later sources do not quote Ibn al-Mubārak's own opinion on the Qurʾān, nor do they often cite Qurʾānic glosses with him in the *isnād*. For example, Ibn al-Mubārak appears in about 350 *asānīd* in Bukhārī's *Ṣaḥīḥ*, almost 5 per cent of all the *ḥadith* there, yet less than a third that often in Bukhārī's long *Kitāb al-Tafsīr* in particular. It is hard to say what sort of material constituted *Kitāb al-Tārīkh*, since Ibn al-Mubārak is almost never quoted for either biographical and historical facts or evaluations of traditionists. Aḥmad b. Ḥanbal quotes ʿAbd al-Razzāq as recalling that Ibn al-Mubārak and Maʿmar (b. Rāshid; Basran also lived in Yemen; d. 154/770–1) would recite *tafsīr* to each other.[12] I know of no other trace either of *Kitāb al-Birr wa-l-ṣila* (but see below for a possible second citation).

Three works of his are extant and have been published. By far the largest is *Kitāb al-Zuhd*, as on Ibn al-Nadīm's list, but there are evidently two fairly different recensions extant that its modern editor has published as *al-Zuhd wa-l-raqāʾiq*.[13] (*Al-Raqāʾiq* and *al-Riqāq* seem to have been alternative titles. An item in our *Kitāb al-Zuhd* is identical to an item quoted by the Qurʾān commentator al-Qurṭubī from the *Daqāʾiq* of Ibn al-Mubārak, corrected by the editor to *al-Raqāʾiq*.[14] Al-Khaṭīb al-Baghdādī relates a story of Ibn al-Mubārak's dictating from *al-Riqāq*, for which see below.) The first 1,627 items are all headed by the *isnād* Abū ʿUmar (Muḥammad b. al-ʿAbbās) b. Ḥayyawayh (Baghdadi, d. 382/992), sometimes along with Abū Bakr al-Warrāq (Muḥammad b. Ismāʿīl b. Muḥammad, Baghdadi, d. 378/988), < Yaḥyā (b. Muḥammad b. Ṣāʿid, Baghdadi, d. 318/930) < al-Ḥusayn (b. al-Ḥasan b. Ḥarb al-Marwazī, lived in Mecca, d. 246/860–1) < Ibn al-Mubārak, ʿAbd Allāh or ʿAbd Allāh b. al-Mubārak, except for about one item in five that comes < al-Ḥusayn < another shaykh than Ibn al-Mubārak and between 1 and 2 per cent that do not go through al-Ḥusayn. Occasional interpolations from the tenth century (e.g. confirmation from Ibn Abī Ḥātim [d. 327/938)] that someone related something, as Ibn al-Mubārak had said, no. 432; frequent comments on

11. Ibn al-Nadīm, *Fihrist*, *fann* 6, *maqāla* 6 = *Kitâb al-Fihrist*, ed. Gustav Flügel, with Johannes Roedigger and August Mueller (Leipzig, 1872), p. 228.
12. Aḥmad, *ʿIlal* 2, p. 361; *1, p. 327*.
13. Ibn al-Mubārak, *al-Zuhd wa-l-raqāʾiq*, ed. Ḥabīb al-Raḥmān al-Aʿẓamī (Malegaon, 1386; repr. Beirut, n. d.; repr. with different pagination but same nos Beirut, [1419] 1998; likewise, Alexandria, n. d.).
14. Ibn al-Mubārak, *Zuhd*, no. 333; al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-Qurʾān* (20 vols), ed. ʿAbd al-Razzāq al-Mahdī (Beirut, [1418] 1997), 10, p. 233, *ad* Q 17:44.

asānīd from Ibn Ṣāᶜid) show that everyone in this series contributed to shaping the collection we have; however, the most interpolations come from al-Ḥusayn, which demonstrates that interpolations markedly declined over time. These are from an Istanbul manuscript, Carullah 834, supplemented by an incomplete Damascus manuscript, Ẓāhiriyya *taṣawwuf* 237. From an Egyptian manuscript, then, Alexandria 1331b, comes the recension of Nuᶜaym b. Ḥammād (d. Samarra, 228/843?). It provides somewhat different topic headings and 436 items not found in al-Ḥusayn's recension. The editor does not tell us how many of al-Ḥusayn's items are duplicated in Nuᶜaym's recension (nor how many items in it come from other authorities than Ibn al-Mubārak). Textual variants between the Carullah and Alexandria manuscripts, which the editor remarks, occur in half of al-Ḥusayn's items < Ibn al-Mubārak, so the overlap is at least that great. It seems arbitrary to suppose that the core of al-Ḥusayn's collection was assembled by Ibn al-Mubārak himself, whereas the core of Nuᶜaym's collection was not. Rather, it seems most probable that what we have as Ibn al-Mubārak's *Kitāb al-Zuhd* is not Ibn al-Mubārak's own assemblage, but the separate assemblages of al-Ḥusayn al-Marwazī and Nuᶜaym ibn Ḥammād of what Ibn al-Mubārak dictated to them and others.

Abū Nuᶜaym al-Iṣbahānī, *Ḥilyat al-awliyā*, quotes items through Ibn al-Mubārak from time to time. A majority of them come with the *isnād* ᶜAbd Allāh b. Muḥammad (or some other name for Abū Nuᶜaym's leading authority Abū ʾl-Shaykh) < ᶜAlī b. Isḥāq < Ḥusayn al-Marwazī < Ibn al-Mubārak, which agree with the text of our *Zuhd* and suggest that Abū Nuᶜaym had access precisely to al-Ḥusayn's recension. Occasionally, however, he also quotes items from Ibn al-Mubārak that are in al-Ḥusayn's recension, but by other means; for example, Muḥammad b. Muqātil < Ibn al-Mubārak (*Ḥilya* 1:136, *Zuhd*, no. 17), Abū Humām < ᶜAbd Allāh b. al-Mubārak (*Ḥilya* 4:380, *Zuhd*, no. 208), and Saᶜīd b. Sulaymān < Ibn al-Mubārak (*Ḥilya* 4:53–4, *Zuhd*, no. 219).

Sometimes these other quotations, although clearly related by subject to other material in our *Zuhd*, are not to be found there; for example, Muḥammad b. Bashīr b. Marwān *al-kātib* < Ibn al-Mubārak, the story of a worshipper (*ᶜābid*) and a monk (*rāhib*) from Wahb b. Munabbih (*Ḥilya* 4:43–4), ᶜAbd al-Ḥamīd b. Ṣāliḥ < ᶜAbd Allāh b. al-Mubārak, ultimately < the Prophet that salvation lies in controlling one's tongue, being satisfied with one's house as it is and weeping over one's sin (*Ḥilya* 8:175), and Abū Ṣāliḥ al-Ḥakam b. Mūsá < ᶜAbd Allāh b. al-Mubārak, a quotation of Bilāl b. Saᶜd against those who are pleased with themselves and complacently eat, drink and laugh when it is established in the Book of God that they deserve to be fuel for the Fire (*Ḥilya* 5:223, evidently by way of the *Zuhd* of Aḥmad b. Ḥanbal actually compiled by his son ᶜAbd

Allāh[15]). Once, I have noticed, he quotes an item < Nuᶜaym b. Ḥammād < Ibn al-Mubārak that does not occur among Nuᶜaym's additions to the published *Zuhd* – the statement of al-Dastawāʾī (presumably Ibn al-Mubārak's Basran shaykh Hishām b. Abī ᶜAbd Allāh, d. 154/770–1): 'It is amazing that a learnèd man should laugh' (*Ḥilya* 6:279). It is believable that Ibn al-Mubārak dictated *ḥadīth* by topic. One traditionist, Salama b. Sulaymān al-Marwazī (d. 203/818–9?), is even identified in some biographies as Ibn al-Mubārak's *warrāq*, who might conceivably have seen to the publication of Ibn al-Mubārak's works.[16] However, Salama b. Sulaymān does not appear in the list of transmitters attached to any of the extant works. Again, it seems most probable that what we have as Ibn al-Mubārak's *Kitāb al-Zuhd* was not assembled by Ibn al-Mubārak himself, but rather disciples of his. This fits the general rule that books before the mid-ninth century have the character of lecture notes, rather than deliberately authored works intended to be disseminated in multiple identical copies.[17] Both al-Ḥusayn and Nuᶜaym added items from other teachers to their collections from Ibn al-Mubārak, and it would be possible to supplement both extant collections with material from other sources telling us what Ibn al-Mubārak transmitted, such as Abū Nuᶜaym, *Ḥilyat al-awliyāʾ*. (Ibn Khayr al-Ishbīlī [d. 575/1179] mentions having a *Kitāb al-Birr wa-l-ṣila* from al-Ḥusayn b. al-Ḥasan.[18] It seems possible that this is the same work as *Kitāb al-Birr wa-l-ṣila* attributed directly to Ibn al-Mubārak by Ibn al-Nadīm. Similarly to al-Ḥusayn's redaction of *Kitāb al-Zuhd*, it would have combined material he heard from Ibn al-Mubārak with material he heard from other shaykhs.)

Another extant, published work attributed to Ibn al-Mubārak is *al-Musnad*, based on a unicum in Damascus.[19] This is a much smaller work than *al-Zuhd*,

15. Corresponding to Aḥmad, *al-Zuhd* (Mecca, 1357; repr. Beirut, [1396] 1976), pp. 385–6 = (repr. Beirut, [1403] 1983), p. 462. Henceforth, references to the latter edition will be in *italics*. Quotations in the *Ḥilya* from Aḥmad's *Zuhd* are numerous and useful for reconstructing the original size and shape of that work, available in manuscript only as an early-modern abridgement. Along with a remark by Ibn Ḥajar, they suggest that Aḥmad's *Zuhd* was originally two or three times longer than the versions extant today. See Christopher Melchert, 'Aḥmad ibn Ḥanbal's Book of Renunciation', *Der Islam* 85 (2008), pp. 349–53.
16. See Dhahabī, *Tārīkh*, 14 (201–10 H.), pp. 176–7, with further references.
17. See especially Gregor Schoeler, *The Genesis of Literature in Islam: From the Aural to the Read*, rev. and trans. Shawkat M. Toorawa (Edinburgh, 2009).
18. Ibn Khayr al-Ishbīlī, *Index librorum de diversis scientiarum ordinibus quos a magistris didicit Abu Bequer Ben Khair* (2 vols), eds Franciscus Codera and J. Ribera Tarrago (Caesaraugustae, 1894–5), no. 718 = *al-Fahrasa*, nn. by Muḥammad Fuʾād Manṣūr (Beirut, [1419] 1998), p. 267.
19. Ibn al-Mubārak, *Musnad al-imām ᶜAbd Allāh b. al-Mubārak*, ed. Subḥī al-Badrī al-Sāmarrāʾī (Riyadh: Maktabat al-Maᶜārif, [1407] 1987).

comprising (by the editor's count) 272 *ḥadith* reports, all but two from the Prophet. They are mostly, although not all, about encouragements to piety (i.e. *al-targhīb wa-l-tarhīb*, 'making to aspire and making to fear'). It was evidently compiled by al-Ḥasan b. Sufyān al-Shaybānī (d. 303/916). Nearly all of it is traced through him < Ḥibbān b. Mūsā al-Marwazī (d. 233/847–8) < Ibn al-Mubārak, but a few items are rather < Ibrāhīm b. ᶜAbd Allāh al-Khallāl < Ibn al-Mubārak. As a record of Ibn al-Mubārak's knowledge and teaching, it seems to have no more value than the selections of his *ḥadīth* in, for example, Bukhārī's *Ṣaḥīḥ* and Aḥmad's *Musnad*, each with around 350 *ḥadīth* reports through Ibn al-Mubārak.

The third extant, published work attributed to Ibn al-Mubārak is *Kitāb al-Jihād*, based on a unicum in Leipzig.[20] It comprises 262 numbered items, not counting some half-dozen included without complete *asānīd*. It begins with the following chain of transmitters:

> < Abū al-Ḥusayn Muḥammad b. Aḥmad b. Muḥammad al-Ābanūsī in Baghdad, Jum. I 455/v.1063
> < Abū Isḥāq Ibrāhīm b. Muḥammad b. al-Fatḥ al-Ḥalabī al-Miṣṣīṣī
> < Abū Yūsuf Muḥammad b. Sufyān b. Mūsā al-Ṣaffār in Mopsuestia, 316/928–9
> < Saᶜīd b. Raḥmah, Abū ᶜUthmān
> < ᶜAbd Allāh b. al-Mubārak.

The same chain is repeated at the beginning of part 2 (no. 122). Ibn Khayr al-Ishbīlī mentions having a *Kitāb Faḍl al-jihād* from Ibn al-Mubārak, as transmitted from him by Abū Marwān ᶜAbd al-Malik b. Ḥabīb al-Bazzāz, a minor Mopsuestian traditionist (in one of the Six Books) thought to have died before 240/854–5.[21] To my knowledge, no trace of it survives in manuscript or quotation. Saᶜīd b. Raḥma (d. 250s/865–74), the transmitter of our *Kitāb al-Jihād* from Ibn al-Mubārak, was a yet more minor Mopsuestian traditionist (in none of the Six Books). Ibn Ḥibbān (d. 354/965) says: 'The people of Syria related (*ḥadīth*) from him. It is not permissible to argue by him on account of his disagreeing with trustworthy transmitters concerning narrations (of *ḥadīth*).'[22] I would not conclude from Saᶜīd's poor reputation that our *Kitāb al-Jihād* is nothing but his

20. Ibn al-Mubārak, *K. al-Jihād*, ed. Nazīh Ḥammād (Beirut, [1971] 1391; repr. with different pagination, same nos, Beirut, [1409] 1988). The Princeton Library catalogue mentions *K. al-Jihād*, ed. Nazīh Ḥammād (n. p., 1978).
21. Ibn Khayr al-Ishbīlī, *Index*, no. 434 = *Fahrasa*, p. 205. On ᶜAbd al-Malik, see Dhahabī, *Tārīkh*, 17 (231–40 H.), pp. 261–2, with further references.
22. Ibn Ḥibbān, *Kitāb al-Majrūḥīn* (3 vols), ed. Maḥmūd Ibrāhīm Zāyid (Aleppo, 1396), 1, p. 328. Other biographies are dependent on this. See Dhahabī, *Tārīkh*, 19 (251–60 H.), p. 153, for references.

invention, but it does make one wish to see Ibn al-Mubārak quoted the same way by others.

Unfortunately, we have no quotations in *Ḥilyat al- awliyāʾ* to compare. There are some parallels. In both the *Jihād* and the *Ḥilya*, the Prophet is quoted as saying: 'The like of the *mujāhid* on the path of God is the faster who keeps vigil by the signs of God through the night and day, like this pillar.'[23] In the *Jihād*, of course, this comes < Saʿīd < Ibn al-Mubārak, in the *Ḥilya* < Jaʿfar b. Ḥumayd < Ibn al-Mubārak. Abū Nuʿaym remarks that he knows the *ḥadith* report as transmitted by Ibn al-Mubārak only as transmitted from him by Jaʿfar. This seems to confirm that he had never come across Saʿīd's collection and also that Ibn al-Mubārak related such a report. Apparently from a lost section of Aḥmad's *Zuhd* (an addition by ʿAbd Allāh), Abū Nuʿaym relates < ʿAlī b. Isḥāq < Ibn al-Mubārak the story that the Kufan ʿAmr b. ʿUtba (d. *c*. 29/649–50) set out on *jihād* having bought a mare for 4,000 dirhams. He was rebuked for having paid so much, but he replied: 'Every step she takes that brings her closer to the enemy is dearer to me than 4,000 dirhams.'[24] In *Kitāb al-Jihād*, the same item comes from Saʿīd < Ibn al-Mubārak (no. 136).

Likewise, there are some parallels between Ibn al-Mubārak's two books *al-Jihād* and *al-Zuhd*. For example, both relate the story of how ʿAmr b. ʿUtba was observed to be shaded by a special cloud as he minded his companions' animals (*Jihād*, no. 210; *Zuhd*, no. 869).[25] *Al-Jihād* relates the Prophet's saying: 'The *mujāhid* is he who strives with his soul against his own soul' (no. 175); while *al-Zuhd* relates the variant (by the same *isnād*): 'The *mujāhid* is he who strives against his own soul for God' (no. 141 < Nuʿaym; sim. no. 826).[26] However, there are also items oddly without parallels. For example, Ibn al-Mubārak quotes in the *Zuhd* Khālid b. Maʿdān, Homsi (d. 103/721–2?):

23. Ibn al-Mubārak, *Jihād*, no. 13; Abū Nuʿaym, *Ḥilya*, 8, p. 173.
24. Abū Nuʿaym, *Ḥilya*, 4, p. 156.
25. Abū Nuʿaym relates both this story < al-Ḥusayn < Ibn al-Mubārak and a similar one < ʿAlī b. Isḥāq < Ibn al-Mubārak not found in either *al-Jihād* or *al-Zuhd* (*Ḥilya*, 4, p. 157). The cloud is mentioned briefly in Aḥmad, *Zuhd*, pp. 353, 423 (addition < ʿAbd Allāh). There are parallel stories that the Prophet as a little boy, tending the family flock, had a cloud follow him around to shade him, also that limbs of trees bowed to him and that a cloud was following him about, shading him, when Baḥīrā recognised him: Ibn Saʿd, *Biographien*, 1/1, pp. 98–9 = *al-Ṭabaqāt al-kubrā*, 1, pp. 152, 154; Ibn Hishām, *al-Sīra al-nabawiyya* (Cairo, 1955), *qiṣṣat Baḥīrā*, 1, p. 166; also Tirmidhī, *al-Jāmiʿ al-ṣaḥīḥ* (Damascus al-Maṭbaʿa al-ʿUmūmiyyah, 1968), *manāqib* 3, *bāb mā jāʾa fī badʾ nubuwwat al-nabī*, no. 3620, without naming al-Baḥīrā.
26. Tirmidhī reports a shorter version through his shaykh from Ibn al-Mubārak: 'The *mujāhid* is he who strives against his own soul': *Jāmiʿ*, *abwāb faḍāʾil al-jihād* 2, *bāb mā jāʾa fī faḍl man māta murābiṭan*, no. 1621. Aḥmad reports three variants through other

> God said, 'The most beloved of my servants are those who love one another according to my love (*al-mutaḥābbūn bi-ḥubbī*), whose hearts are hung in the mosques, who ask forgiveness in the evenings. Those are they whom, if I wish to punish the people of the Earth, I remember and so avert my punishment for their sakes.' (no. 412)

This does not appear in *al-Jihād*, but that does include two similar sayings not in *al-Zuhd* about those whose prayers ward off danger – for example, from the Prophet: 'Will there not remain seven in my community who do not pray to God (mighty and glorious is he) for something without their being answered? By them are you made victorious, by them falls on you rain', and I think he said 'by them are you defended' (no. 195; no. 192 describes the *abdāl* of Syria). It is a little easier to account for such non-parallels if Ibn al-Mubārak himself did not assemble both books.

I compared the provenance of Ibn al-Mubārak's immediate sources in *Kitāb al-Jihād*, *Kitāb al-Zuhd* (recension of al-Ḥusayn b. al-Ḥasan), the *Musnad* of Ibn al-Mubārak himself (recension of al-Ḥasan b. Sufyān) and Aḥmad b. Ḥanbal, *al-Musnad* (Figure 4.1).

There seems to be no common pattern among these different collections. For comparison, see Aḥmad b. Ḥanbal's own immediate sources in *al-Musnad* and *al-Zuhd* (Figure 4.2).

These seem much more similar to each another. Since Aḥmad's *Musnad* and *Zuhd* were put together by the same person, ʿAbd Allāh b. Aḥmad, the comparison (weakly) suggests that the same person – namely, Ibn al-Mubārak himself – did not put together the *Zuhd*, *Musnad* and *Jihād* attributed to him, but rather, like Aḥmad b. Ḥanbal's selection of his *ḥadith*, they were put together by different collectors operating under different guiding principles.

Next are Ibn al-Mubārak's ultimate sources (Figure 4.3, p. 58).

Here at least there is some similarity, the most obvious difference being greater attention given to Companions in the *Jihād* and Followers in the *Zuhd*.

shaykhs than Ibn al-Mubārak: 'The *mujāhid* is he who strives against his own soul in obedience to God', 'against his own soul in God or for God' and 'against his own soul in the path of God': Aḥmad b. Ḥanbal, *Musnad imām al-muḥaddithīn* (6 vols) (Cairo, [1313] 1895), 6, pp. 20–2 = *Musnad al-imām* (50 vols), eds Shuʿayb al-Arnaʾūṭ et al. (Beirut, [1413–21] 1993–2001), 39, pp. 375, 381–2, 386–7. Henceforth, references to the latter edition will be in *italics*. 'Soul' here must correspond to *psyche*, the lower self in Platonic psychology.

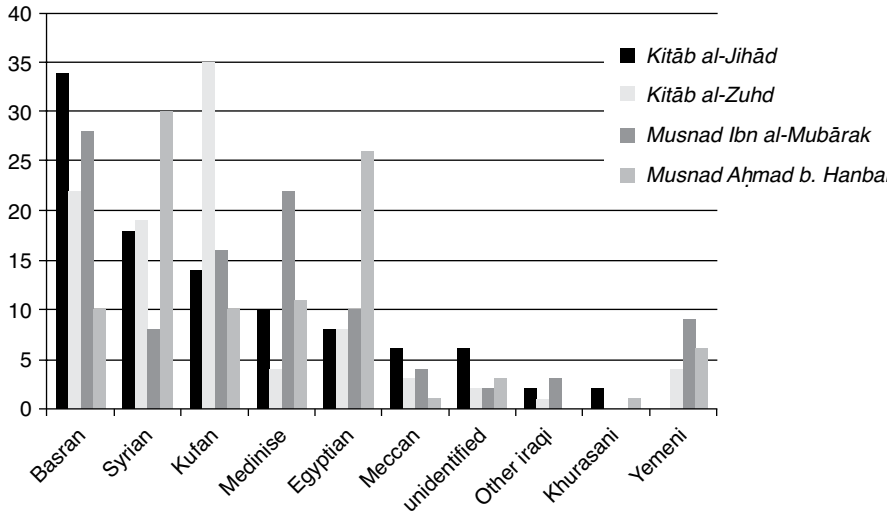

Figure 4.1 Provenance of Ibn al-Mubārak's sources compared (%)

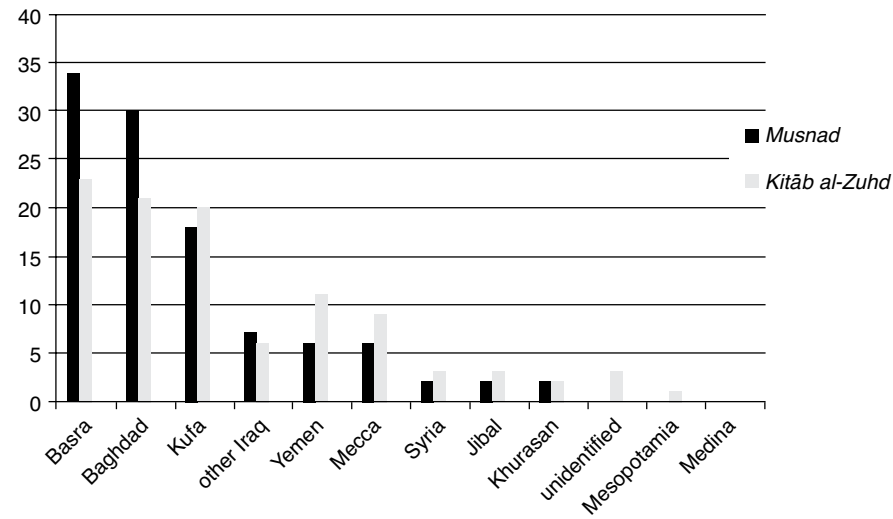

Figure 4.2 Provenance of Ibn Ḥanbal's sources compared (%)

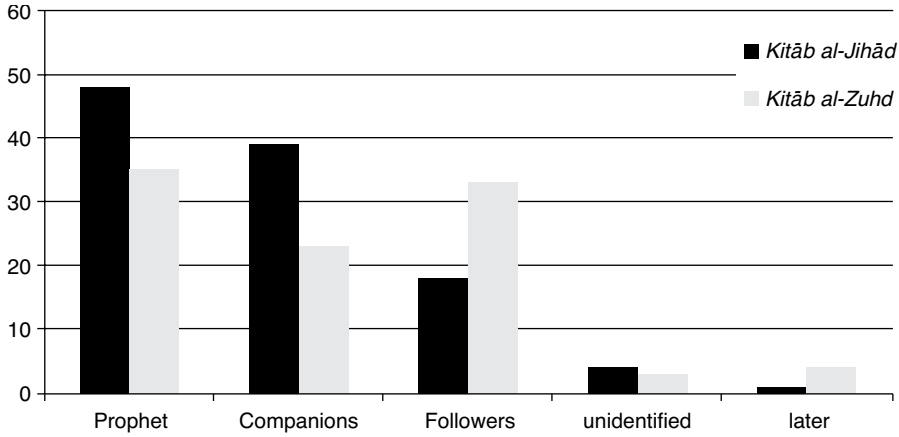

Figure 4.3 Ibn al-Mubārak's ultimate sources (%)

THE DOCTRINE OF IBN AL-MUBĀRAK'S *KITĐB AL-JIHĀD*

The most careful treatment of Ibn al-Mubārak's *Kitāb al-Jihād* is in Michael Bonner, *Aristocratic Violence and Holy War* – a revision based on his doctoral dissertation.[27] Bonner describes it as: 'the earliest extant work devoted entirely to that subject'.[28] This it may be, but why we should consider it more significant than, for example, the *Kitāb al-Jihād* embedded within Abū Bakr b. Abī Shayba (d. 235/849), *Kitāb al-Muṣannaf*, is unclear, inasmuch as they are almost exactly the same size and were assembled at roughly the same time.[29]

Bonner divides the *ḥadīth* of *Kitāb al-Jihād* into three: 'hadith of Successors concerned with reward (*ajr*)'; 'hadith of Successors and Companions,

27. Michael David Bonner, 'The emergence of the "Thughūr": the Arab-Byzantine frontier in the early Abbasid age' (unpublished PhD thesis, Princeton University, 1987).
28. Bonner, *Aristocratic Violence*, p. 119; similarly, Michael Bonner, *Jihad in Islamic History* (Princeton, 2006), p. 100. Followed by David Cook, who calls Ibn al-Mubārak 'the earliest known writer' on the subject: *Understanding Jihad* (Berkeley, 2005), p. 14. Thomas Sizgorich is more cautious, stressing the texts before him rather than the biographical tradition and, anticipating my argument here, considering *al-Jihād* and *al-Zuhd* together: *Violence and belief in Late Antiquity* (Philadelphia, 2009), pp. 180–95, 208–9.
29. Ibn Abī Shayba, *al-Muṣannaf* (16 vols), eds Muḥammad ʿAbd Allāh al-Jumʿa and Muḥammad Ibrāhīm al-Luḥaydān (Riyadh, [1425] 2004), 7, pp. 5–70. This assumes, to be sure, that the *Muṣannaf* was assembled in close to its present form by Ibn Abī Shayba himself. However, it is admittedly known in only one recension – that of Baqī b. Makhlad (d. 276/889). See Scott C. Lucas, 'Where are the legal *ḥadīth*? A study of the *Muṣannaf* of Ibn Abī Shayba', *Islamic Law and Society* 15 (2008), pp. 283–314, especially pp. 288–90.

concentrating on the warrior's intention (*niyyah*)'; and 'hadith of the Prophet: Merit and reward'.[30] The first tend to suggest that the fighter's reward should come from the community, not other individuals. The second is mainly about 'the internalization of norms', so that the conduct of war moves away from the control both of the imam and the clerical élite. The third offer divine reward or divine with earthly reward, but the divine is plainly better: 'Thus the individual, while striving for individual merit and salvation, has also internalized the needs and goals of the entire community. This is *jihād* in its full sense, as a force uniting the individual, the community and God.'[31] This is an interesting attempt to get a purchase on a miscellaneous collection. It feels right to me as far as it goes – that is, remembering that only a small number of items in *Kitāb al-Jihād* mention reward, and with the qualification that I am not sure there was any very developed clerical élite during the lifetime of Ibn al-Mubārak for him to be concerned with avoiding.

Bonner observes that in the *Muṣannaf* of ʿAbd al-Razzāq, the Meccans are unsure whether *jihād* is obligatory, the Syrians sure that it is.[32] He associates Medina, especially on the evidence of Mālik's *Muwaṭṭaʾ*, with 'the original, archaic Quranic system', mainly that fighters should be recruited by the promise of gifts.[33] From Iraq, he says, specifically the work of al-Shāfiʿī, comes the classical doctrine of *farḍ al-kifāya*, which identifies *jihād* as a duty from which the generality of Muslims are relieved, so long as a sufficient minority of them undertake it.[34] Examination of the *Muṣannaf* of Ibn Abī Shayba confirms Bonner's picture in outline and modifies it in detail. Within this *Muṣannaf*, *Kitāb al-Jihād* comprises two chapters: a long one of 257 items on the merit of *jihād* and a short one of just ten items on the question of whether the holy war (*ghazw*) is obligatory. Nine items in this chapter are actually relevant.[35] In one, a Syrian Follower is quoted in favour of its being obligatory; in another, two Syrian Followers are remembered as always joining the rear guard. No Kufans are quoted, but ʿUmar by a Kufan *isnād* says *jihād* is one of the four supports (*ʿurā*) of the faith, the others being the ritual prayer, alms and reliability. By a mostly Kufan *isnād*, another Companion is quoted as saying Islam is eight shares, of which one is *jihād*, it being disastrous to have none of the eight. This seems to imply that other ritual duties are equally rewarded. By a Basran

30. Bonner, *Aristocratic Violence*, pp. 123–4.
31. Bonner, *Aristocratic Violence*, p. 124.
32. Bonner, *Jihad*, p. 105, referring to ʿAbd al-Razzāq, *al-Muṣannaf* (11 vols), ed. Ḥabīb al-Raḥmān al-Aʿẓamī (Johannesburg, [1390–2] 1970–2).
33. Bonner, *Jihad*, p. 104.
34. Bonner, *Jihad*, p. 107.
35. Ibn Abī Shayba, *Muṣannaf*, *k. al-jihād* 2, *mā qālū fī 'l-ghazw* = eds J. and L., 7, pp. 69–70.

isnād, a Medinese Follower is quoted as saying that *jihād* is incumbent on the people altogether – the *farḍ al-kifāya* of which Bonner remarks the rudiments in the *Muwaṭṭaʾ* of Mālik, a clear exposition in the *Umm* of al-Shāfiʿī.[36] Two Meccan Followers are quoted as saying that they had never heard that *jihād* was obligatory. Altogether, the effect is to identify the Syrians as certain that *jihād* is obligatory, with the Kufans, Basrans, Medinese and Meccans progressively less certain. (From looking over multiple eighth-century debates as recorded by Ibn Abī Shayba, I have proposed that Medinese doctrine should usually be interpreted not as archaic, but rather as a development of Basran doctrine. This complements Schacht's finding that Medinese positions continually look like responses to Kufan.[37] On the face of it, of course, a Medinese opinion reported by a string of Basrans, as above, is evidence of just the opposite – mainly, Basran dependence on earlier Medinese doctrine. Whether one takes Medina or Basra to be the pioneer here depends heavily on whether one thinks reverence for early opinion and the *isnād* system protected against back projection or, on the contrary, encouraged it.)

Ibn al-Mubārak is identified with both camps, as Bonner says. (This agrees with his contested identification with Kufan jurisprudence in the biographical literature.) His *Kitāb al-Zuhd* includes encouragements to participate in the holy war, but these are typically not foregrounded – for example, he quotes the Companion Abū Saʿīd al-Khudrī by a Syrian *isnād*:[38]

> I enjoin you to fear God, for this is the chief of everything. Incumbent upon you is *jihād*, for it is the *rahbāniyya* of Islam. Incumbent upon you is the recollection of God and reciting the Qurʾān, for it is your spirit in Heaven and being recollected in the Earth. And incumbent on you is silence save when upholding a claim (*illā fī ḥaqq*), for by it you will defeat Satan.

(Presumably, it is God who thinks of the believers when they recollect him, meaning specifically when they repeat his praises.) This is in a section on humility, and has in common with both the previous and following reports this concern with silence. Two other reports in this section also mention *jihād*,

36. On the voluntary character of *jihād* in the Mālikī school, see Roy Parviz Mottahedeh and Ridwan al-Sayyid, 'The idea of the *jihād* in Islam before the Crusades', in *The Crusades from the Perspective of Byzantium and the Muslim World*, eds Angeliki E. Laiou and Roy Parviz Mottahedeh (Washington, DC, 2001), pp. 23–9.
37. Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford, 1950), pp. 188–9, 220, 223.
38. Ibn al-Mubārak, *Zuhd*, no. 840; also, except for the last phrase (and not through Ibn al-Mubārak); Aḥmad, *Musnad*, 3, p. 82; 18, pp. 297–9.

but are likewise buried amidst others. In answer to someone's question, 'What is the best of works?' the Prophet said, 'The precious part of the faith is the ritual prayer. The height of works is *jihād* on the path of God. The best of the characters of Islam is silence, so that people are safe from you' (*Zuhd*, no. 839; Yemeni *isnād*). And ʿUthmān b. Maẓʿūn asked the Prophet, 'Permit us to castrate ourselves', to which the Prophet said, 'He is not of us who castrates or is castrated. The castration of my nation is fasting.' He said, 'O Messenger of God, permit us to wander (*al-siyāḥa*)', to which the Prophet said, 'The wandering of my nation is *jihād* in the path of God.' He said, 'O Messenger of God, permit us monasticism (*tarahhub*)', to which the Prophet said, 'The monasticism of my community is sitting in the mosque waiting for the ritual prayer' (*Zuhd*, no. 845; Egyptian *isnād*). It is sometimes the setting for a miracle or other story. The Basran Ṣila b. Ashyam (*fl.* seventh century), on an expedition to Kabul, was spied upon at night as he got up to pray. A lion came but did not attack him, and he told it to go look for its food elsewhere. Then he prayed to be spared Hell (*Zuhd*, no. 863). Abū al-Aḥwaṣ, a Kufan Follower (*fl.* mid-first/seventh century), is quoted as contrasting the pious early Muslim invaders with their heedless successors: 'A man could go through the camp and hear in it (a sound) like the buzzing of bees. How can these feel safe so long as those fear?' (*Zuhd*, no. 98).[39] The main point of both is encouragement of night-time devotions, not going to war.

In *Kitāb al-Jihād*, encouragements to participate in the holy war are more numerous. For example, we have there the famous saying of the Prophet: 'Every prophet has a monasticism (*rahbāniyya*). The monasticism of this community is *jihād* in the path of God.'[40] Two versions are presented of the Prophet's saying: 'The best of people is a man who strives in the path of God until death comes to him in that state' (*Jihād*, nos. 167–8). Sometimes it is compared to advantage with other devotions – for example, the Companion Abū Hurayra is quoted as asking: 'Is any of you capable of standing up (to pray at night) without flagging, fast without breaking it, as long as he lives?' When he is told, 'Abū Hurayra, who is capable of this?' he answers, 'By him in whose hand is my soul, one day of the fighter (*mujāhid*) on the path of God is better than this' (no. 70).

39. Also, Aḥmad, *Zuhd*, pp. 348, *418* (not through Ibn al-Mubārak, but likewise by a Kufan *isnād*).
40. Ibn al-Mubārak, *Jihād*, no. 16; also (through Ibn al-Mubārak), Aḥmad, *Musnad*, 3, p. 266; *21, p. 317*. The previous item makes this anonymous: the Basran Muʿāwiya b. Qurra (d. 113/731–2) says: 'It used to be said that every community has a *rahbāniyya*. The *rahbāniyya* of this community is *jihād* in the path of God' (Ibn al-Mubārak, *Jihād*, no. 15).

But even in *Kitāb al-Jihād*, encouragements to fight are often eclipsed by encouragements to alternatives; for example, the Prophet is quoted as saying (no. 183, by a Medinese *isnād*):

> There is about to come over the people a time when the best-placed man will be a man who takes the reins of his horse on the path of God and sits up on his horse whenever he hears the alarm, then seeks death where it is to be found; also a man with a small flock in one of these valleys who performs the ritual prayer, gives alms, and withdraws from people except from goodness until he dies.

A variant on this quoted section by Ibn Abī Shayba expressly places the reclusive shepherd second.[41] The Companion Faḍāla b. ʿUbayd (d. 58/677–8?) was observed attending the funeral of someone who had died naturally, instead of another funeral being held at the same time of someone who had been hit by a catapult. Asked why, Faḍāla cited Q 22:58–9 and said he was indifferent whether he himself died one way or another (no. 66). There are many *ḥadith* reports expanding the category of 'martyr' to include persons who do not die in battle, and *Kitāb al-Jihād* includes some of these.[42] The Prophet says there are seven varieties of martyr besides those killed on the path of God: someone who dies of a stomach ailment, of drowning, of the plague, of the collapse of a building (*hadm*), of drowning and childbirth (no. 68).[43] Ibn Masʿūd says that the martyrs would be few if they included only those killed in battle, adding those killed from falling down a mountain, drowning at sea and being eaten by wild animals (no. 69). The caliph ʿUmar corrects some Muslims who think that martyrdom (*shahāda*) means raiding (*ghazw*) on the path of God. ʿUmar tells them the martyr (*shahīd*) is actually he who gives up his soul to God (*yaḥtasibu nafsah*; no. 129).

Bonner somewhat misinterprets Ibn al-Mubārak's devotion to *jihād* from neglect of the rest of his legacy. He describes the difference between al-Fazārī's *Kitāb al-Siyar* and Ibn al-Mubārak's *Kitāb al-Jihād* in John Wansbrough's terms as showing a shift from *narratio* to *exemplum*.[44] Actually, the material

41. Ibn Abī Shayba, *al-Muṣannaf*, *k. al-jihād* 1, *mā dhukira fī faḍl al-jihād* = eds J. and L., 7, p. 12; likewise, by a Medinese *isnād*.
42. Extensions of martyrdom are covered by David Cook, *Martyrdom in Islam* (Cambridge, 2007), Chapters 3, 6.
43. G. H. A. Juynboll provisionally assigns the *ḥadīth* report extending martyrdom to seven to Mālik b. Anas; see *Encyclopedia of Canonical Hadīth* (Leiden, 2007), p. 299. But another *ḥadīth* report extending martyrdom to whoever dies in defence of possessions, family, life or religion he assigns to the Medinese al-Zuhrī (d. 125/743?); see *Encyclopedia*, p. 230.
44. Bonner, *Aristocratic Violence*, p. 122.

in neither book is presumptively older than that in the other; rather, they are examples of contemporary genres. (The collections of *apophthegmata* that characterised Christian ascetic literature in late antiquity are a sufficient precedent to establish that pious Muslims did not need to break down an earlier literature of long narratives to come up with their characteristic collections of short sayings.) And Bonner somewhat misrepresents the biographical record, exaggerating Ibn al-Mubārak's personal reputation as a frontier warrior. He takes a description of him bellowing like a slaughtered bull or cow as he read from his *Kitāb al-Riqāq* to be making the point that he was as strong as a bull.[45] Actually, to one who is accustomed to the literature of renunciation, the point seems patently not his strength but his distress, mainly at thinking of his unreadiness to appear at the Last Judgement. Ibn al-Mubārak's *Kitāb al-Zuhd* has no section on *jihād*, but it does have sections on weeping, fear and terror, specifically at the prospect of death. Even *Kitāb al-Jihād* includes items whose sole point is someone's distress at the prospect of judgement – for example: '°Ikrima b. Abī Jahl would put a copy of the Qurʾān over his face and weep, saying "The book of my lord, the speech of my lord"' (no. 56; Basran *isnād*; °Ikrima b. Abī Jahl was a Companion who perished in Syria in the reign of Abū Bakr). The presence of such sayings in *Kitāb al-Jihād* with only the remotest connection to warfare show how far it is from the literature of law and how overlapping with the literature of renunciation.

The idea of renunciation is to cultivate indifference to the world (the literal sense of *al-zuhd fī al-dunyā*). It is not surprising that renunciants should have been attracted to warfare as an occasion for the endurance of hardships and danger. The warrior fights best when he is indifferent to whether he lives or dies. And, of course, warfare was once the occupation of every adult Muslim male, while the Qurʾān suggests that fear of God was the proper preoccupation of all Muslims (more important than concerns of this world, such as law). But as apocalyptic expectations faded in the eighth century and renunciation became a speciality, renunciants naturally resisted giving warfare priority over other devotional forms. Maintaining it as the premier devotional form might have, among other things, made Islam strictly a young man's religion. Also, it was a leading concern of early Muslim renunciants, like many renunciants before them, that austerities not be practised for the sake of worldly prestige or material rewards.

45. Bonner, *Aristocratic Violence*, p. 119; *Jihad*, p. 100, citing al-Khaṭīb al-Baghdādī, *Tārīkh* 10, p. 167; *11, p. 406*. Bonner changes '*al-Riqāq*' to '*al-Zuhd*', which is defensible: *al-Riqāq* is the name of the book in Bukhārī's *Ṣaḥīḥ* (for example), comprising the kind of material we find in Ibn al-Mubārak, *al-Zuhd*, and there are other evident references to *al-Zuhd* by the name of *al-Raqāʾiq*. More dubious is his omission of the cow.

They must have seen that warfare was particularly liable to be practised for the sake of worldly prestige or material rewards. If inward intention is the main thing, it becomes harder to maintain that one devotional activity is intrinsically superior to another.

The renunciant tradition and the legal

The predominant Qurʾānic word for the holy war against God's enemies is *qitāl*, but it is predominantly *jihād* or *siyar* in the legal tradition. The renunciant tradition is probably, in part, responsible for this shift from *qitāl*. *Jihād* is a Qurʾānic word that sometimes appears synonymously with *qitāl*, but sometimes with a stronger literal sense of 'struggle'.[46] The first three items in *Kitāb al-Jihād* all refer to Q 61, *al-Ṣaff*, which uses the two phrases *alladhīna yuqātilūna fī sabīl Allāh* (v. 4) and *tujāhidūna fī sabīl Allāh* (v. 11) – that is, synonymously.[47] As for *siyar*, Bonner discusses the *Siyar* of al-Fazārī (d. 188/803–4?), which is entirely concerned with the rules of war, not pious encouragements to self-sacrifice. *Siyar* is also the predominant term in the Shāfiʿī tradition. Al-Shāfiʿī's *al-Umm* includes *Kitāb qitāl ahl al-baghy wa-ahl al-ridda* and *Kitāb al-ḥukm fī qitāl al-mushrikīn*, as well as *Siyar al-Awzāʿī* and *Siyar al-Wāqidī*, his reworking of earlier collections of opinions from al-Awzāʿī (d. 157/773–4?) and al-Wāqidī (d. 207/823).[48] The *Mukhtaṣar* of al-Muzanī has a book on *Qitāl ahl al-baghy*, another on *al-Siyar*.[49] Similarly, the later Shāfiʿī handbooks – the *Ḥāwī* of al-Māwardī (d. 450/1058) and the *Nihāyat al-maṭlab* of Imām al-Ḥaramayn

46. An efficient survey is provided by Paul L. Heck, '*Jihad* revisited', *Journal of Religious Ethics* 32 (2004), pp. 96–8. For longer treatments, see Reuven Firestone, 'Jihād', in *The Blackwell Companion to the Qurʾān*, ed. Andrew Rippin (Oxford, 2006), pp. 308–20; M. A. S. Abdel Haleem, 'Qurʾānic "*jihād*": a linguistic and contextual analysis', *Journal of Qurʾānic Studies* 12 (2010), pp. 147–66. It is an error to assert that '*jihad* of the sword . . . is not a concept found in the Quran, where the root *jhd* is used to denote inner striving to follow the path of God'; see James Turner Johnson, 'Tracing the contours of the jihad of individual duty', *Journal of Church and State* 53 (2011), p. 42.
47. Reuven Firestone refers to the latter verse as being 'in a nonaggressive context' ('Jihād', p. 311), but the context looks thoroughly aggressive to me. (Whether Muslims may or ought to spiritualise such verses is a religious question outside my purview as an historian.)
48. Al-Shāfiʿī, *K. al-Umm* (7 vols) (Cairo, 1321–5; repr. Cairo, [1388] 1968), 4, pp. 133–47, 155–76, 176–205; 7, pp. 303–6 = ed. Rifʿat Fawzī ʿAbd al-Muṭṭalib (11 vols) (al-Manṣūra, [1422] 2001; second printing [1425] 2004), 5, pp. 639–721; 9, pp. 178–277. Actually, what is called *Siyar al-Awzāʿī* is al-Shāfiʿī's commentary on Abū Yūsuf (d. 182/798), *al-Radd ʿalā Siyar al-Awzāʿī*.
49. Shāfiʿī, *Umm* (Bulaq), 5, pp. 156–66; 180–96 margin.

(d. 478/1085) –address the law of war in a *kitāb al-siyar*.[50] *Siyar* likewise prevails in the Ḥanafī tradition. Muḥammad al-Shaybānī's book *al-Siyar* is not extant, but al-Sarakhsī's commentary on it, *Sharḥ al-Siyar al-kabīr*, is extant and well-known.[51] Probably even better known is the section of al-Shaybānī's *Kitāb al-Aṣl* entitled *Abwāb al-siyar fī arḍ al-ḥarb*, translated by Majid Khadduri.[52] Shaybānī's recension of Mālik's *Muwaṭṭaʾ* has a *bāb al-siyar* followed by three others on the law of war.[53] Similarly, the *Tajrīd* of al-Qudūrī (d. 428/1037) addresses the law of war in a *kitāb al-siyar*.[54] In the Zaydi Shīᶜī tradition, also, *Siyar* prevails. Thus, the *Majmūᶜ* of the Imām Zayd b. ᶜAlī (d. 120/738?) and *al-Baḥr al-zakhkhār* of Ibn al-Murtaḍā (d. 840/1437) both include a *kitāb al-siyar*.[55] Ibn al-Nadīm attributes a book called *al-Siyar* to al-Ḥasan b. ᶜAlī b. al-Ḥasan b. Zayd.[56]

In other schools, *jihād* is the word that prevails. The *Muwaṭṭaʾ* of Mālik includes a *kitāb al-jihād* after the discussion of the pilgrimage. Similarly, the *Mudawwana* of Saḥnūn (d. 240/854) addresses the law of war in a *kitāb al-jihād*.[57] In the next century, the Baghdadi *qāḍī* Ibrāhīm b. Ḥammād b. Isḥāq (d. 323/935) is credited with a *kitāb al-jihād*, and the *Risāla* of Ibn Abī Zayd al-Qayrawānī (d. 386/996–7?) includes a *bāb fī al-jihād*.[58] The *Mukhtaṣar* of al-Khiraqī (d. 334/945–6), the earliest epitome of Ḥanbalī law, addresses the law of war in a *kitāb al-jihād*.[59] In the Twelver Shīᶜī tradition, the *Kāfī* of al-Kulaynī (d. 329/941?) addresses the law of war in a *kitāb al-jihād*, the *Mabsūṭ*

50. Al-Māwardī, *al-Ḥāwī al-kabīr* (24 vols), eds Maḥmūd Maṭrajī et al. (Beirut, [1414] 1994), 18, pp. 3–325 = eds ᶜAlī Muḥammad Muᶜawwaḍ and ᶜĀdil Aḥmad ᶜAbd al-Mawjūd (20 vols) (Beirut, [1414] 1994), 14, pp. 3–281; Imām al-Ḥaramayn, *Nihāyat al-maṭlab fī dirāyat al-madhhab* (21 vols), ed. ᶜAbd al-ᶜAẓīm Maḥmūd al-Dīb (Jidda (second printing), [1340] 2009), 17, pp. 389–546.
51. See *GAS* 1, pp. 430–1.
52. Al-Shaybānī, *The Islamic Law of Nations: Shaybānī's Siyar*, trans. Majid Khadduri (Baltimore, 1966).
53. Mālik, *Muwaṭṭaʾ al-imām Mālik*, rec. of al-Shaybānī, ed. ᶜAbd al-Wahhāb ᶜAbd al-Laṭīf (Cairo, [1407] 1987), pp. 281–2.
54. Al-Qudūrī, *al-Mawsūᶜa al-fiqhiyya al-muqārina al-Tajrīd* (12 vols), eds Muḥammad Aḥmad Sarrāj and ᶜAlī Jumᶜa Muḥammad (Cairo, [1425] 2004), 12, pp. 6139–226.
55. Zayd b. ᶜAlī, *Corpus iuris*, ed. Eugenio Griffini (Milan, 1919), pp. 231–44; Ibn al-Murtaḍā, *al-Baḥr al-zakhkhār* (6 vols), ed. Muḥammad Tāmir (Beirut, [1422] 2001), 6, pp. 558–700.
56. Ibn al-Nadīm, *Fihrist*, f. 5, Q 5 = ed. Flügel, p. 193.
57. Saḥnūn, *al-Mudawwana al-kubrā* (16 vols) (Cairo, [1323] 1905), 3, pp. 2–50.
58. Ibn al-Nadīm, *Fihrist*, f. 1, Q 6 = ed. Flügel, p. 200; Ibn Abī Zayd al-Qayrawānī, *al-Risāla* (Cairo, [1363] 1944), pp. 307–13.
59. Al-Khiraqī, *Mukhtaṣar al-Khiraqī*, ed. Muḥammad Zuhayr al-Shāwīsh (Damascus, [1378] 1959–60), pp. 198–205.

of al-Ṭūsī Shaykh al-Ṭāʾifa (d. 460/1067?) under the heading of *al-jihād wa-sīrat al-imām*.[60] The tenth century Twelver Muḥammad b. Masʿūd al-ʿAyyāshī is credited with a *kitāb al-jihād*.[61] In the Ismāʿīlī tradition, the handbook of al-Qāḍī al-Nuʿmān (d. 363/974), *Daʿāʾim al-islām*, addresses the law of war in a *kitāb al-jihād*.[62] And in all of the Six Books of Sunnī *ḥadith* there is a *kitāb al-jihād*. (But *al-Sunan al-kubrā* of al-Nasāʾī has rather a *kitāb al-siyar*.)[63] The *Muṣannaf* of ʿAbd al-Razzāq has a *kitāb al-jihād*, mostly about the law of the holy war, and a *kitāb al-maghāzī*, about the life of the Prophet.[64] The *Muṣannaf* of Ibn Abī Shayba includes, as noted, both a *kitāb al-jihād*, mostly about the encouragement to participate, and a widely separated *kitāb al-siyar* on the actual law of war, beginning with the duty to obey the imam.[65] (Ibn Abī Shayba is generally much more interested than ʿAbd al-Razzāq in matters of piety.)

Of course, even law books using *siyar* in the chapter title freely switch to *jihād* – for example, when al-Muzanī begins his *kitāb al-siyar* by saying that God imposed a duty of *jihād* only at the point when the Muslims had become numerous enough to fight and that he did not impose any duty of *jihād* on slaves, females or minors, he plainly equates *jihād* with fighting the holy war, without any shade of interiorising. *Jihād* in the Islamic legal tradition normally refers in this way to war against the enemies of God. Accordingly, even law books that deal with *jihād* rather than *siyar* likewise commonly plunge straight into questions of external obligations. The first section in Mālik's *Muwaṭṭaʾ* in the recension of Abū Muṣʿab al-Zuhrī connects the obligation to fight with the oath of allegiance to the leader of the community, although the first chapter in the recension of Yaḥyā b. Yaḥyā is, rather, on the virtue of *jihād*.[66] The first section of the book of *jihād* in Saḥnūn's *Mudawanna* treats the obligation to summon a

60. Al-Kulaynī, *al-Kāfī* (8 vols), ed. ʿAbd Allāh al-Ghaffārī (Tehran, [1347] 1968; repr. with corrections by Muḥammad al-Ākhundī: Dār al-Kutub al-Islāmiyya, [1389–91] 2010–11), 5, pp. 2–64; al-Ṭūsī Abū Jaʿfar Shaykh al-Ṭāʾifa, *al-Mabsūṭ* (8 vols), eds Muḥammad Taqī Kashfī and Muḥammad al-Bāqir al-Bahbūdī (Tehran, n. d. [1351] 1972]), 2, pp. 2–35.
61. Ibn al-Nadīm, *Fihrist*, f. 5, Q 6 = ed. Flügel, p. 195.
62. Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-islām* (2 vols), ed. ʿĀṣif b. ʿAlī Aṣghar Fayḍī (Cairo, [1379–83] 1960–3), 1, pp. 347–407.
63. Al-Nasāʾī, *al-Sunan al-kubrā* (7 vols), eds ʿAbd al-Ghaffār al-Bundārī and Sayyid Kisrawī Ḥasan (Beirut, [1411] 1991), Book 78, 5, pp. 170–279. Nasāʾī's shorter work *al-Mujtabā* is usually counted the fifth of the Six Books. Its *K. al-Jihād* (Book 25) covers the same material except for the *jizya* tax.
64. ʿAbd al-Razzāq, *Muṣannaf*, 5, pp. 171–311, 312–492, respectively.
65. Ibn Abī Shayba, *Muṣannaf*, eds J. and L., 7, pp. 5–70; 11, pp. 243–506, respectively.
66. Mālik, *al-Muwaṭṭaʾ* (2 vols), rec. of Abū Muṣʿab al-Zuhrī, eds Bashshār ʿAwwād Maʿrūf and Maḥmūd Muḥammad Khalīl (Beirut, [1413] 1993), 1, p. 345; Mālik, *al-Muwaṭṭaʾ*

people to Islam before attacking them. The *jihād* section of the *Risāla* of Ibn Abī Zayd al-Qayrawānī touches only on external obligations.

Still, stress on *jihād* rather than *siyar* does seem to go hand-in-hand with a heavier moralising strain. This seems least visible in the Mālikī tradition, although, as noted, the *Muwaṭṭaʾ* does include moralising *ḥadīth*. The Ḥanbalī is famously the most moralistic of the Sunnī schools of law. Although Khiraqī's *Kitāb al-Jihād* starts with the obligation to participate in the holy war (*farḍ ʿalā al-kifāya*, he says), it immediately shifts to Aḥmad's saying that there is no better work than *jihād* after the required ones. *Al-Aḥkām al-sulṭāniyya* of Abū Yaʿlā b. al-Farrāʾ (d. 458/1065), being directed to the caliph, naturally covers only external obligations and therefore has no *kitāb al-jihād*, but rather a section on *qasm al-fayʾ wa-l-ghanīma*, as if a book without exhortations to fighters did not deserve the title *al-jihād*.[67] The Twelver Shīʿī Kulaynī includes in his *kitāb al-jihād* an injunction (apparently from Sunnī sources) to engage in it against one's lower self (*mujāhadat al-nafs*) and commendation of warfare against the lower self (*jihād al-nafs*) as 'the greater *jihād*'.[68] (This is the earliest attestation I know of the distinction between greater and lesser *jihād*s. The interiorisation of

(2 vols), rec. of Yaḥyā b. Yaḥyā, ed. Bashshār ʿAwwād Maʿrūf (Beirut, [1417] 1997), 1, p. 571.

67. Abū Yaʿlā b. al-Farrāʾ, *al-Aḥkām al-sulṭāniyya*, ed. Muḥammad Ḥāmid al-Fiqī (Cairo, [1356] 1938; repr. with continuous pagination [1386] 1966; repr. Beirut, [1403] 1983), pp. 136–52. Cf. Al-Māwardī, *Maverdii Constitutiones politicae*, ed. Max Enger (Bonn, 1853), pp. 217–35; = *The Laws of Islamic Governance*, trans. Asadullah Yate (London, 1996), pp. 186–206 = *The Ordinances of Government*, trans. Wafaa H. Wahba (Reading, 1996), pp. 140–57. My explanation assumes the minority view that Abū Yaʿlā wrote his Ḥanbalī version first, on which al-Māwardī then based his Ḥanafi-Shāfiʿī-Mālikī version, for which see Christopher Melchert, 'Māwardī, Abū Yaʿlá, and the Sunni revival', in *Prosperity and Stagnation: Some Cultural and Social Aspects of the Abbasid Period*, ed. Krzystof Kościelniak (Cracow, 2010), pp. 37–61. On the majority view that al-Māwardī wrote his Ḥanafi-Shāfiʿī-Mālikī version first, it would include no *K. al-Jihād* simply because that was not predominant in the Ḥanafi and Shāfiʿī traditions.

68. Kulaynī, *Kāfī*, 5, pp. 9, 12. The former report runs < Sulaymān b. Dāwūd al-Minqarī (i.e. the Basran al-Shādhakūnī) < al-Fuḍayl b. ʿIyāḍ < Jaʿfar, the latter < al-Nawfalī < al-Sukūnī < Jaʿfar. On al-Shādhakūnī (d. 234/848–9?), see Dhahabī, *Tārīkh*, 17 (231–40 H.), pp. 176–80 with further references. On al-Fuḍayl b. ʿIyāḍ (d. 187/802–3?), see Dhahabī, *Tārīkh*, 12 (181–90 H.), pp. 331–44 with further references. On al-Sukūnī, see al-Najāshī, *Rijāl al-Kashshī* (2 vols), ed. Muḥammad Jawād al-Nāʾīnī (Beirut, [1408] 1988), 1, pp. 109–10, s.n. Ismāʿīl b. Abī Ziyād, with further references. Cf. Māwardī, *Ḥāwī*, eds Maṭrajī et al., 18, p. 124 = eds Muʿawwaḍ and ʿAbd al-Mawjūd, 14, p. 113 ('We have returned from the lesser *jihād* to the greater *jihād*' quoted without *isnād*); al-Khaṭīb al-Baghdādī, *Tārīkh*, 13, pp. 493/523–4; *15, p. 685* ('the greater *jihād*' defined as *mujāhadat al-ʿabd hawāh*).

jihād may have been especially attractive to Twelver Shīᶜa because their pious were forbidden to go to war on the frontier in the absence of a righteous ᶜAlid leader.) Al-Qāḍī al-Nuᶜmān, *Daᶜāʾim al-islām*, begins with the obligation to participate in the holy war, but the next section comprises encouragements to take part – for example, Jaᶜfar al-Ṣādiq's saying: 'The root of Islam is the ritual prayer, its branch is almsgiving, and its very peak is *jihād* in the path of God.'[69]

Although the famous formula about the greater and lesser *jihād* has not been found earlier than the tenth century, doubts about the supreme value of *jihād* are fairly well attested in renunciant circles in Ibn al-Mubārak's lifetime. Some examples from Ibn al-Mubārak's own *Kitāb al-Zuhd* have been quoted above. It also quotes ᶜAbd Allāh b. ᶜAmr (d. Mecca? 63/683?) as saying: 'The recollection of God morning and evening is better than breaking swords in the path of God and pouring out wealth' (*Zuhd*, no. 1116). Many other such comparisons in favour of other devotions are quoted in other renunciant collections. Muᶜādh b. Jabal (d. Syria, 18/639–40) is quoted as saying, among other things, that it is better to recollect God than fight on the path of God.[70] ᶜAbd Allāh b. Masᶜūd (d. Medina, 32/652–3?) is quoted as saying the one who recollects God (understood to mean reciting the Book of God) is better than the one who rides on *jihād* in the path of God;[71] also '[t]hat I should say *subḥāna 'Llāh*, *al-ḥamdu lillāh*, *lā ilāha illā 'Llāh*, and *Allāhu akbar* is preferable to me to giving their number in alms on the path of God.'[72] Salmān al-Fārisī (d. 34/654–5) is quoted as saying:

> If one man spends the night stabbing his equals in battle while the other spends the night recollecting God (mighty and glorious is he), I think that the one who recollects God and the one who recites the Qurʾān is the better.[73]

69. Al-Qāḍī al-Nuᶜmān, *Daᶜāʾim*, 1, p. 350.
70. Ibn Abī Shayba, *Muṣannaf*, *k. al-duᶜāʾ*, p. 22; *fī thawāb dhikr Allāh* = eds J. and L., 10, p. 91; *k. al-zuhd*, *mā jāʾa fī faḍl dhikr Allāh*, 3, p. 11 = eds J. and L., 12, pp. 327, 329; Aḥmad, *Zuhd*, pp. 180, *225*; similarly attributed to ᶜUbāda b. al-Ṣāmit, Medinese (d. al-Ramla, 34/654–5); Ibn Abī Shayba, *k. al-zuhd*, *mā jāʾa fī faḍl dhikr Allāh*, p. 25 = eds J. and L., 12, pp. 62–3.
71. Ibn Abī Shayba, *Muṣannaf*, *k. faḍāʾil al-Qurʾān* 29, *man qāla qirāʾat al-Qurʾān afḍal min siwāh* 1 = eds J. and L., 10, p. 241.
72. Ibn Abī Shayba, *Muṣannaf*, *k. al-zuhd*, p. 61; *fī thawāb al-tasbīḥ wa-l-ḥamd*, p. 12 = eds J. and L., 12, p. 322; sim. attributed to Hilāl b. Yisāf, Kufan (*fl.* late second/early eighth century); Ibn Abī Shayba, *Muṣannaf*, *k. al-zuhd* 61, *fī thawāb al-tasbīḥ wa-l-ḥamd* = eds J. and L., 12, pp. 323, 325; likewise to Abū ᶜUbayda b. ᶜAbd Allāh b. Masᶜūd, Kufan (d. after 80/699–700); Ibn al-Mubārak, *Zuhd*, no. 1156 (addition < al-Ḥusayn).
73. Aḥmad, *Zuhd*, pp. 151, *189*.

Sufyān al-Thawrī of Kufa (d. 161/777?) is quoted as saying that reciting the Qurʾān is better than raiding (*ghazw*).[74]

The renunciant literature likewise furnishes examples of interiorising *jihād*. The Companion Abū Dharr (d. 32/652–3) is quoted as saying: 'I asked the Messenger of God . . . what *jihād* was best. He said, "That you fight against yourself (*an tujāhida nafsak*) and your fancy (*hawā*) for the sake of God . . ."'[75] The Basran Follower Mālik b. Dīnār (d. *c*. 130/747–8) is made to express exasperation: 'They talk about *jihād*. I am on *jihād* against myself.'[76] Sufyān b. ʿUyayna said: 'It used to be said that *jihād* is ten: fighting the enemy is one, your fighting yourself (*jihāduka nafsak*) is nine.'[77] Abū Sulaymān al-Dārānī, Syrian (d. 215/830–1), said: 'There is no act of supererogation (*faḍīla*) like *jihād*, and no *jihād* like fighting against oneself (*mujāhadat al-nafs*).'[78] The further back one goes, of course, the greater the likelihood of back projection, both in the renunciant literature as well as in the legal; however, it seems fairly certain that by the time our earliest extant legal texts were being assembled, there was much talk in pious circles interpreting *jihād* as an ascetical discipline, which spilt over into those legal texts, especially of the Mālikī, Ḥanbalī and Shīʿī traditions.

My principal conclusions are three. First, it is probably mistaken to stress the earliness of Ibn al-Mubārak's *Kitāb al-Jihād*. Like almost all other books from before the mid-ninth century, it was evidently assembled by a disciple, not Ibn al-Mubārak himself. Second, Ibn al-Mubārak's *Kitāb al-Jihād* belongs mainly to the tradition of renunciant literature, both encouraging good works (in this case, going to war against the enemies of God) and putting good works in their proper place as expressions of an interior struggle to bring oneself into proper indifference to the world and subservience to God. Third, however, because renunciation was a pervasive interest of the early Muslims, renunciant values inevitably manifested themselves in other literature – notably, in legal works treating warfare against the enemies of God. The eclipse of *qitāl* by *jihād* seems to be one such manifestation.

74. Abū Nuʿaym, *Ḥilya*, 7, p. 65.
75. Abū Nuʿaym, *Ḥilya*, 2, p. 249, s.n. al-ʿAlāʾ b. Ziyād, Basran (d. 94/712–13), who is quoted next for a sim. *ḥadith* report < ʿAbd Allāh b. ʿAmr b. al-ʿĀṣi.
76. Abū Nuʿaym, *Ḥilya*, 2, p. 363.
77. Abū Nuʿaym, *Ḥilya*, 7, p. 284.
78. Abū Nuʿaym, *Ḥilya*, 9, p. 270.

CHAPTER

5

SHAPING MEMORY OF THE CONQUESTS: THE CASE OF TUSTAR

*Sarah Bowen Savant**

The military conquest of a hostile territory and its population is a paradigmatic form of violence and leaves deep imprints on the memories of the conquerors and the vanquished alike. Examining these imprints and the ways in which they are manipulated by later narrators in specific historical cases can bring to light the multiple functions that memories of violent conquest can serve. An interesting case study is provided by the Muslim conquest of the Iranian city of Tustar. Towards the end of a short seventh-century Nestorian work known as the *Khūzistān Chronicle*, we find as something of an appendix an account of the Arab conquest of the region and of Shūsh and Shūstrā, or as Arabs came to know the towns, al-Sūs and Tustar. The *Chronicle* was completed, at the latest, by 680 and is widely recognised as providing a rare window into events, because of its detailed reporting and proximity. It notes that 'at the time of which we have been speaking, when the *Ṭayyāyē*' – that is, the Arabs – 'conquered all the territory of the Persians and Byzantines, they also entered and overran Bēt Hūzāyē, conquering all the strong towns'. There remained only Sūs and Tustar, which were extremely well fortified, controlled by the Persian forces commanded by Yazdagird (r. 632–51) and one of his commanders, called 'Hormīzdān the Mede'.[1] The *Chronicle* tells us that the Arabs were led by Abū

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1. Known in the Arabic sources as al-Hurmuzdān or, most commonly, as al-Hurmuzān, the name I will favour so as to avoid confusion. On the name and variations, see Ferdinand Justi, *Iranisches Namenbuch* (Marburg, 1895), pp. 7–10 (with al-Hurmuzān treated on p. 10).

Mūsā, who built Basra to settle the Arabs, just as Saᶜd, son of [Abū] Waqqāṣ, had built Kufa. There is reporting on the first conflicts between al-Hurmuzān and Abū Mūsā, al-Hurmuzān's breaking of a truce, his killing of the men who had served as ambassadors between him and the Arabs and the bloody defeat of al-Sūs. Then we learn that the Arabs besieged Tustar, fighting for two years to take it. Finally, a man from the province of Bēt Qaṭrāyē, who lived in Tustar, befriended a man who had a house on the walls of the city, and the two of them conspired together and went out to the Arabs, promising them: 'If you give us a third of the spoils of the city, we will let you into it.' They dug tunnels under the walls and let in the Arabs, who then took Tustar. The Arabs proceeded to spill 'blood there as if it were water'. They 'killed the exegete of the city and the bishop of Hormīzd Ardashīr [Ar. Sūq al-Ahwāz], along with the rest of the students, priests, and deacons, shedding their blood in the very [church] sanctuary'. As for al-Hurmuzān, the Arabs took him alive.[2]

In comparison to the *Khūzistān Chronicle*, the Arabic record of the conquest of Tustar is late. The third/ninth century represented a 'golden age' for conquest monographs, with nearly all surviving works dating from the second half of the third/the ninth century onwards.[3] Comparing the *Chronicle* – with its special, early vantage point – to the Arabic works might allow us to discern a 'kernel' of truth or, as Chase Robinson has suggested, to see 'how faithfully our Islamic sources record conquest history'.[4] Robinson undertook such a comparison and

2. I would like to thank Sebastian Brock for making available to me his unpublished translation of the *Chronicle* (I draw from paragraphs 48–50). This section of the *Chronicle* is also translated by Chase F. Robinson in 'The conquest of Khūzistān: a historiographical reassessment', *Bulletin of the School of Oriental and African Studies* 67.1 (2004), pp. 14–39 (trans. at pp. 17–18), from which I have also benefited. Their translations are based on the text edited by Ignazio Guidi as *Chronicon anonymum*, in *Chronica Minora*, Corpus Scriptorum Christianorum Orientalium 1–2, Scr. Syri 1–2 (Paris, 1903), 1, pp. 15–39 (Syriac text); 2, pp. 15–32 (Latin trans.). On the *Chronicle*, especially this section, see also Theodore Nöldeke's translation and commentary, 'Die von Guidi herausgegebene syrische Chronik, übersetzt und commentiert', *Sitzungsberichte der kaiserlichen Akademie der Wissenschaften*, philosophisch-historische Classe 128 (1893), pp. 1–48; Stephen Gerö, 'Only a change of masters? The Christians of Iran and the Muslim Conquest', in *Transition Periods in Iranian History*, *Studia Iranica* 5, ed. Ph. Gignoux (Paris, 1987), pp. 43–8; Robert G. Hoyland, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish, and Zoroastrian Writings on Early Islam* (Princeton, 1997), pp. 182–9; James Howard-Johnston, *Witness to a World Crisis: Historians and Histories of the Middle East in the Seventh Century* (Oxford, 2010), pp. 128–35.
3. Regarding the historiography of the conquests, see especially Fred Donner, *Narratives of Islamic Origins: The Beginnings of Islamic Historical Writing* (Princeton, 1998), pp. 174–82; Chase F. Robinson, *Islamic Historiography* (Cambridge, 2003), pp. 34–5.
4. Robinson, 'Conquest of Khūzistān', p. 16.

found the Arabic tradition to be surprisingly faithful to several of the facts as reported in the Nestorian text, such as the principal role played by Abū Mūsā al-Ashᶜarī, the historicity of a siege and the role (but not the identity) of a traitor in securing Tustar's defeat. Robinson's comparison also yielded broader insights: that the conquests did feature sieges and traitors, however much these also function as generic *topoi* in our sources; that the early Muslim historical tradition was in some measure continuous in its transmission; and that schemes that organise reporters into 'schools' fail to reflect accurately the historiographical tradition, since there is no discernible pattern as far as accuracy is concerned.[5]

In what follows, I consider the *Khūzistān Chronicle* alongside Arabic histories from the third/ninth and fourth/tenth centuries for the purpose of analysing how traditionists shaped the memory of Persians at the conquests.[6] I take a history of memory approach, a methodology I have developed elsewhere, with the intention of probing, especially, gaps in the record and their discursive contexts.[7] Mnemohistory, best demonstrated in the work of the Egyptologist Jan Assmann, interrogates changes to the historical record, the contexts in which they occur and the reasons why one particular vision of the past rather than another thrived at a given moment in time.[8] It also queries the possibilities for remembrance, the pondered and imponderable and what lay within and outside a society's imagination – in other words, what could be conceived by its members and what could never have entered their consciousness. For these lines of enquiry, the probable facts – the lives and circumstances of rulers, rebels, prophets and holy men; the time, location and outcome of wars and battles; the rise and fall

5. Robinson, 'Conquest of Khūzistān', pp. 37–8.
6. I consider the following works: Ibn Aᶜtham al-Kūfī (d. 3rd/9th century?), *Kitāb al-Futūḥ* (8 vols), eds Muḥammad ᶜAbd al-Muᶜīd Khān and ᶜAbd al-Wahhāb al-Bukhārī (Hyderabad, 1968–75); Khalīfa b. Khayyāṭ al-ᶜaṣfurī (d. 240/854), *Taʾrīkh* (2 vols), ed. Suhayl Zakkār (Damascus, 1967–8); al-Balādhurī (d. *c.* 279/892), *al-Buldān wa-futūḥuhā wa-aḥkāmuhā*, ed. Suhayl Zakkār (Beirut, 1992); Abū Ḥanīfa al-Dīnawarī (d. *c.* 281 or 282/894–5), *al-Akhbār al-ṭiwāl*, ed. ᶜIṣām Muḥammad al-Ḥājj ᶜAlī (Beirut, 2001); al-Yaᶜqūbī (fl. second half of the third/ninth century), *Taʾrīkh* (2 vols), ed. M. Th. Houtsma (Leiden, 1883; reprint, Beirut, 1960); and al-Ṭabarī (d. 310/923), *Taʾrīkh al-rusul wa-l-mulūk*, eds M. J. de Goeje et al. (Leiden, 1879–1901); *The History of al-Ṭabarī: Volume XIII: The Conquest of Iraq, Southwestern Persia, and Egypt*, trans. Gautier H. A. Juynboll (Albany, 1989). I also discuss somewhat later Persian sources (for which, see below).
7. See Sarah Bowen Savant, *The New Muslims of Post-Conquest Iran: Tradition, Memory, and Conversion* (Cambridge, 2013), including pp. 207–16, where, discussing the conquest of Tustar, I focus on the memory of 'Killing "Polytheists"'.
8. See especially Jan Assmann, *Moses the Egyptian: The Memory of Egypt in Western Monotheism* (Cambridge, MA, 1997), pp. 9–10.

of dynasties – can matter a lot, but sometimes they matter very little. A starting premise, therefore, is that the past is a variably plastic resource, and it is the job of a historian to understand why sometimes it was and could be moulded, but at other times it was not and could not have been.

My focus in this chapter is on three 'kernels' identified by Robinson, which feature also in modern historians' accounts of the city's conquest: 1) the opening of the city by a collaborator; 2) extensive killing at Tustar; and 3) the surrender of al-Hurmuzān.[9] While a traditionist could not write a history about the Persians however he pleased, he could do quite a lot with the truth. As we shall see, the Arabic sources want to give us a picture of traitors, murder and surrender, and they employ strategies that deepen the grooves of some memories, but muddy others. In the context of the present volume, it is noteworthy that in the Arabic accounts violence appears as a natural, unproblematic part of the story. However, I show that while our traditionists tell us a story about Tustar and its violent defeat, what they have in mind is a very different, albeit also violent, scene of action.

Persian Identities, Including That of a Collaborator

The *Chronicle* portrays 'Hormīzdān the Mede' as presiding alone over Yazdagird's army in Khūzistān. After a two-year siege, an unnamed Qaṭarene collaborated with a friend in Tustar to let in the Arabs by digging tunnels under the walls. Robinson has noted how the *Chronicle*, by identifying the collaborator as a man from the province of Bēt Qaṭrāyē, served polemical purposes, so that 'just as in the case of the Islamic tradition, history was apparently pressed into service to express views about the present'. The bishops of Bēt Qaṭrāyē had betrayed the Nestorian catholicos Īshōʿyab III, and so 'the Qaṭarenes' threat to the unity of the Nestorian church in Īshōʿyab's day gave rise to the tradition of a Qaṭarene's betrayal of the Nestorians to the Muslims in Tustar'.[10]

A hardly surprising focus of our early Arabic sources is the relative contributions of Arabs based in Kufa and Basra. Such records were meaningful to tribes, families and their members, who made claims on the early Islamic state. In the third/ninth century and afterwards, this focus continued to support an orderly view of the conquests and reflected a belief in cities as forces of history.[11] At

9. Among such modern accounts, see especially Hugh Kennedy, *The Great Arab Conquests: How the Spread of Islam Changed the World We Live In* (London, 2007), pp. 126–31; Parvaneh Pourshariati, *Decline and Fall of the Sasanian Empire: The Sasanian-Parthian Confederacy and the Arab Conquest of Iran* (London, 2008), pp. 236–40.
10. Robinson, 'Conquest of Khūzistān', p. 32.
11. See especially Donner, *Narratives of Islamic Origins*, pp. 174–82.

the beginning of the third/ninth century, or perhaps later,[12] Ibn Aʿtham al-Kūfī, for example, elaborates on the Arab fighters and mentions fighters from Kufa and Basra.[13] Memory of the Persian side is also detailed. Ibn Aʿtham names Abū Mūsā as leading the Arabs and 'al-Hurmuzdān Anūshirwān' as leading the Persians and relates that when al-Hurmuzān heard of the Arabs' proximity to Tustar, he wrote to Yazdagird, then residing in Nihāwand, asking for aid. Yazdagird sent him one of his ministers (*wuzurāʿ*) named Shāhbūdhān with 10,000 men, as well as three other ministers, Dārbahān, Dārnūsh and Rāḥshīn, each with 10,000 men. With al-Hurmuzān's own 25,000 men, the Persian side amounted to 65,000 men in total.[14]

Elsewhere, other information is provided regarding al-Hurmuzān's identity. Al-Balādhurī, for example, states that he was from Mihrjān-qadhaf (Mehragān-kadag).[15] This detail helps to explain an episode, reported by al-Ṭabarī, in which al-Hurmuzān, despite his place of origins as 'Mihrjānī'.[16] His lineage was subjected to various theories. Al-Dīnawarī, for example, identifies him as the maternal uncle (*khāl*) of Shīrawayh, a son of Khusraw Parvīz, thus tying him to a Sasanian figure roundly blamed for bringing down the dynasty by parricide.[17] In contrast to Ibn Aʿtham's account, there is scant attention to the Persians who fought alongside al-Hurmuzān. For Ibn Aʿtham and his sources, referring to named Persians may still have given the account a degree of authority among audiences who retained knowledge of the names that he cites. But it is as if other traditionists and their readers, in concentrating their attention on the Arabs and their stories, forgot Tustar's Persians, who instead are remembered as simple extensions of al-Hurmuzān's person.[18] Whereas a virtual prosopographical industry grew up around the Arab fighters at the conquests, the few names on the Persian side (see Table 5.1) are shrouded in obscurity.

12. On the dating, see below.
13. See especially Ibn Aʿtham, *Kitāb al-Futūḥ*, 2, pp. 12–14, 22.
14. Ibn Aʿtham, *Kitāb al-Futūḥ*, 2, pp. 9–10.
15. Al-Balādhurī, *al-Buldān wa-futūḥuhā*, p. 427. This was a mountainous administrative region of the Sasanian empire located to the west of Karkha and running, most likely, to the border of modern Iraq. See 'Mihragan-Kadag', in Rika Gyselen, *La géographie administrative de l'empire Sassanide: Les témoignages sigillographiques* (Paris, 1989), p. 55.
16. Al-Ṭabarī, *Taʾrīkh*, 1, p. 2560; A. Shapur Shahbazi, 'Hormozān', *Encyclopaedia Iranica*. Available at: http://www.iranicaonline.org/articles/hormozan (accessed 1 June 2014).
17. Al-Dīnawarī, *Akhbār al-ṭiwāl*, p. 187. Regarding conjecture about his identity in the Arabic sources, see Pourshariati, *Decline and Fall*, pp. 236–8, 240. On the literary treatment of Shīrawayh, see Savant, *The New Muslims of Post-Conquest Iran*, pp. 93–4. Cf. Shahbazi, 'Hormozān'.
18. Other Persians from the province of Ahwāz are mentioned; my interest here is Tustar, where, as I describe below, I think we have a particular form of memory displacement.

Table 5.1 Persians who fought the Arabs at Tustar on the side of al-Hurmuzān

Ibn Aʿtham	Ibn Khayyāṭ	al-Balādhurī	al-Dīnawarī	al-Yaʿqūbī	al-Ṭabarī	Ibn Aʿtham – al-Mustawfī's Persian edition
Shāhbūdhān Dārbahān Dārnūsh Rāḥshīn[1]	No names	No names ("al-Hurmuzān and his confederates" [*aṣḥābuhu*])[2]	No names (al-Hurmuzān's allies are the *ʿajam* or *aʿājim* or "his governors" [*nās min marāzibatihi*])[3]	Conquest of Tustar not covered	No names (al-Hurmuzān's allies are his forces from Fārs, al-Jibāl, and al-Ahwāz)[4]	Shāpūr Dāriyūsh 2 other unnamed men[5]

Notes:

[1] Ibn Aʿtham, *Kitāb al-Futūḥ*, 2: 9-10

[2] Al-Balādhurī, *al-Buldān wa-futūḥuhā*, 427.

[3] Al-Dīnawarī, *al-Akhbār al-ṭiwāl*, 188-90.

[4] Al-Ṭabarī, *Taʾrīkh*, 1: 2553.

[5] Al-Mustawfī, trans., *al-Futūḥ* [of Ibn Aʿtham al-Kūfī], ed. Ghulām Riḍā Ṭabāṭabāʾī Majd (Tehran: Intishārāt-i Āmūzish-i Inqilāb-i Islāmī, 1372), 215

Table 5.2 Identity of collaborator at Tustar

Chronicle	Ibn Aᶜtham	Ibn Khayyāṭ	al-Balādhurī	al-Dīnawarī	al-Ṭabarī	*Tārīkh-ī Qum*
A man from the province of Bēt Qaṭrāyē	Nasība b. Dārana[1]	A man from Tustar (*rajul min ahl Tustar*)[2] [second report:] Sīnbah[7]	A man from *al-aᶜājim*.[3]	A nobleman from the town (*rajul min ashrāf ahl al-madīna*) named Sīna[4]	A man[5]	Sīna[6]

Notes:

[1] Ibn Aᶜtham, *Kitāb al-Futūḥ*, 2: 20.

[2] Ibn Khayyāṭ, *Taʾrīkh*, 1: 139.

[3] Al-Balādhurī, *al-Buldān wa-futūḥuhā*, 427

[4] Al-Dīnawarī, *al-Akhbār al-ṭiwāl*, 188-9.

[5] Al-Ṭabarī, *Taʾrīkh*, 1: 2554.

[6] *Tārīkh-i Qum*, 298.

[7] "Abū al-Ḥasan said: 'the person who asked Abū Mūsā for a guarantee of safety and led them to the entrance was Sīnbah.'" Ibn Khayyāṭ, *Taʾrīkh*, 1: 140.

The dating of Ibn Aʿtham's text is controversial.[19] Muḥammad b. Aḥmad al-Mustawfī al-Harawī completed a translation of Ibn Aʿtham's text into Persian sometime around the turn of the seventh/thirteenth century. In his introduction, he states the date of its composition as 204 H. (819–20). Lawrence I. Conrad has persuasively argued for the earliness of much of the composition, based on al-Mustawfī's statement.[20] The text concludes, however, with an account of the death of the caliph al-Mustaʿīn (r. 248–52/862–6). Conrad, again persuasively, argues that Ibn Aʿtham abruptly stopped his work amidst a treatment of the reign of Hārūn al-Rashīd (r. 170–93/786–809); what follows is a continuation (*dhayl*), in which the new author lacks Ibn Aʿtham Shīʿī sympathies.[21] While it is possible that the Hyderabad edition of his text, which I cite, preserves an early record that later generations forgot, it is also possible, however, that interest in the Persian

19. On the text, see especially Lawrence I. Conrad, 'Ibn Aʿtham and his history', unpublished paper presented at the Sixth International Colloquium 'From Jahiliyya to Islam' (Institute for Advanced Studies, Hebrew University, Jerusalem, 5–10 September 1993); Conrad, 'The conquest of Arwād: a source-critical study in the historiography of the early medieval Near East', in *The Byzantine and Early Islamic Near East* (vol. 1), *Problems in the Literary Source Material*, eds Averil Cameron and Lawrence I. Conrad (Princeton, 1992), pp. 348–64 (including n. 90); Antoine Borrut, *Entre mémoire et pouvoir: L'espace syrien sous les derniers Omeyyades et les premiers Abbassides (v. 72–193/692–809)* (Leiden, 2011), pp. 91–3. Several scholars have doubted the possibility of reading the text as a third/ninth century source; see especially G. H. A. Juynboll, 'The date of the great Fitna', *Arabica* 20.2 (1973), p. 149, n. 2. For more recent scepticism regarding the text's date, see Marina Pyrovolaki, '*Futūḥ al-Shām* and other *Futūḥ* texts: a study of the perception of marginal conquest narratives in Arabic in medieval and modern times' (unpublished DPhil thesis, University of Oxford, 2009), Chapter 3, 'Ibn Aʿtham: the making of a historian and the *Futūḥ al-Islām*'. I cite the Hyderabad edition; Suhayl Zakkār's edition of Ibn Aʿtham's text (3 vols) (Beirut, 1992) does not feature Tustar.
20. 'In al-Mustawfi's day no useful purpose would have been served by forging it: in AH 596 there would have been nothing remarkable about knowing (or claiming) that Ibn Aʿtham had written his *Kitāb al-Futūḥ* in AH 204, and someone inventing a date would not have done so without some further purpose in mind – for example, to establish some specific connection with one of the Shīʿī Imāms. But in al-Mustawfī's introduction the date is simply stated in passing, without being pursued to some further point. It is also worth asking how this information came to be known to him and no one else. One can never be absolutely certain on such matters, of course, but the most likely explanation is that this detail was mentioned in the colophon of the Arabic MS from which al-Mustawfī worked. In any case, there is no immediate reason for doubting that this information comes from al-Mustawfī, or for suspecting *a priori* that such a date for the composition of the *Kitāb al-Futūḥ* is spurious.' Conrad, 'Ibn Aʿtham and his history', p. 10. I would note that there is still a need to read the Arabic text against al-Mustawfī's text, so as to assess in what sense the term 'translation' applies.
21. Conrad, 'Ibn Aʿtham and his history', p. 22ff.

names grew with time and that the Hyderabad edition represents the efforts of subsequent generations.[22] In al-Mustawfī's translation, one senses such an effort to grasp for names. Whereas the Hyderabad edition identifies the Persian leader as 'al-Hurmuzdān Anūshirwān', al-Mustawfī glosses al-Hurmūzān for his readers as 'the son of [Khusraw] Anūshirwān, the Just' (*pesar-i Anūshirvān-i ᶜādil*),[23] seemingly conflating al-Hurmuzān with Hurmuz IV (r. 579–90), a son of Khusraw Anūshirwān (r. 531–79).[24] Al-Mustawfī's Ibn Aᶜtham states the names of two of al-Hurmuzān's lieutenants as 'Shāpūr' and 'Dāriyūsh' and mentions that there were also two further (unnamed) aids to al- Hurmuzān.[25] While differing from the Arabic version of Ibn Aᶜtham's text, this is, however, more detail than that provided by either of the other Arabic reporters or, for that matter, by Balᶜamī in his reworking of al-Ṭabarī's text[26] or by the author(s) of a history of Qum (*Tārīkh-i Qum*), both of whom treat Tustar's conquest.[27] In sum, we have a fragmented and inconsistent record of uncertain dating; it is possible much of it runs quite early. What does seem likely, though, is that interest in the names of the Persian side grew at a time when the record was already in severe disrepair.

Memory is also discontinuous regarding the identity of the collaborator. The

22. Regarding the Arabic manuscript tradition, see especially Marina Pyrovolaki, '*Futūḥ ash-Shām* and other *Futūḥ* texts', pp. 130–2, including the notes therein. Pyrovolaki notes that a single manuscript served as the basis for the Hyderabad edition, up to vol. 2, p. 146 (including the account of Tustar); this was a badly damaged Gotha manuscript, and several lacunae in this section have been filled with texts from other books, including al-Ṭabarī's *Taᵓrīkh* and al-Mustawfī's Persian translation of Ibn Aᶜtham's work.
23. Al-Mustawfī (trans.), *al-Futūḥ*, p. 215. On the Arabic and Persian manuscript traditions, see especially C. A. Storey, *Persian Literature: A Bio-Bibliographical Survey* (vol. 1), *Qurᵓānic Literature*; *History and Biography*, *pt 1* (London, 1970), pp. 207–9 (no. 261); Pyrovolaki, '*Futūḥ ash-Shām* and other *Futūḥ* texts', pp. 119–22, 127–30.
24. But for the potential for confusion around the name al-Hurmuzān, see 'Ahura-mazdāh', in Justi, *Iranisches Namenbuch*, p. 10. Al-Hurmuzān's reputation became inflated in Arabic letters, where his name was parried about in poetry alongside those of 'Kisrā' and 'Caesar'. See Savant, *The New Muslims of Post-Conquest Iran*, pp. 48–9.
25. Al-Mustawfī (trans.), *al-Futūḥ*, p. 215.
26. Balᶜamī, *Tārīkh-nāmah-yi Ṭabarī* (3 vols), ed. Muḥammad Rawshan (Tehran, [1366 *shamsī*] 1987–8), 1, pp. 497–501. On Balᶜamī's text and its complex transmission history, see especially Andrew C. S. Peacock, *Mediaeval Islamic Historiography and Political Legitimacy: Balᶜamī's Tārīkhnāma* (London, 2007).
27. The *Tārīkh-i Qum* features a long treatment of Tustar's conquest, but has little concern for the identity of the Persians; Ḥasan b. Muḥammad b. Ḥasan Qummī (fl. 378/988–9) [attr.], *Tārīkh-i Qum*, trans. [attr.] Ḥasan b. ᶜAlī b. Ḥasan Qummī, ed. Jalāl al-Dīn Ṭihrānī (Tehran, [1313 *shamsī*] 1934; reprint, Tehran, 1982), pp. 297–305.

Hyderabad edition of Ibn Aʿtham's text knows his name as Nasība b. Dārana. By comparison, for al-Balādhurī the collaborator is only 'a man from the *aʿājim*'. ʿAbd al-Ḥusayn Zarrīnkūb, in his chapter for *The Cambridge History of Iran* (1975), gave his name as 'Siyā',[28] but one can see just how tenuous this identification is from the Arabic sources.

Even when a name was provided, it is unlikely that the identity meant much to either its reporters or their audiences. Whereas the sheer bulk of reporting on the Arab protagonists – read by third-fourth/ninth-tenth century audiences evidently interested in theories about this or that Arab tribe and its history – tended to reinforce memory, such interest is manifestly lacking on the Persian side. Rather, what transmitters focus on is the collaborator's character and motivations, presented in a way that suggests that he stands in for Persian collaborators anywhere, at any time. For the Arab side, details mattered enormously, especially to descendants of the conquering armies, whatever residual connection they had to events of centuries prior. But details matter little here, where narrative expansion instead bestows personality, not identity, on the collaborator. Personality takes predictable forms, with the sources presenting the collaborator as a cheerleading supporter or a self-interested opportunist. The Hyderabad edition thus has Nasība naively state: 'I hope that God will open this city for you! For I have advised you about its entry and exit points. Tell your companions about them, and let you be their guide to its conquest!'[29]

Similarly, although we never gain much biographical information on the Arabs' Persian helpmates, al-Balādhurī gathers together reports on the conquest of Khūzistān, including Tustar and Sūs, which register his interest in their motivations and fate. After a bloody phase of the conflict that saw the martyrdom of the Arab al-Barāʾ b. Mālik,[30] al-Balādhurī reports that a man from the *aʿājim* sought a guarantee of protection from the Muslims, on the condition that he show them a weak spot in the defences of the 'polytheists' (*ʿawrat al-mushrikīn*). The collaborator surrendered on conditions for his children and

28. Zarrīnkūb, 'The Arab conquest of Iran and its aftermath', in *The Cambridge History of Iran* (vol. 4), *The Period from the Arab Invasion to the Saljuqs*, ed. R. N. Frye (Cambridge, 1975), p. 15; Zarrīnkūb provides no immediate source, but two sentences later cites *Tārīkh-i Qum*, p. 298 (where the name of the collaborator is, in fact, written as Sīna, سينة, although on p. 304 a Siyāh, سياه, is mentioned among the prisoners from Tustar). See also al-Ṭabarī's account of a collaborator at Sūs (or possibly Tustar) named Siyāh, who was a member of the *asāwira* (on which, see below); see *Taʾrīkh*, 1, pp. 2561–4; *History of al-Ṭabarī*, 13, pp. 142–5.
29. Ibn Aʿtham, *Kitāb al-Futūḥ*, 2, p. 21.
30. The brother of a more famous companion, Anas b. Mālik.

himself, which al-Balādhurī does not record.[31] Abū Mūsā made a treaty with him and then sent a man from Shaybān named Ashras b. ᶜAwf to him, who accompanied him on a scouting mission. At night they returned to the city walls with some 240 additional men, killed the guard and shouted 'God is Great!' from atop the wall. Hearing this, al-Hurmuzān fled to a citadel, in which his collection of treasures and personal property were stored.[32] In the morning, Abū Mūsā entered and took possession of Tustar. Dejected, al-Hurmuzān reflected on why his side lost: 'Only someone from our side who had seen the coming of their rule and the retreat of ours could have led the Arabs to our weak spot (*ᶜawratinā*)'.[33]

If individual Persian identities are unstable and poorly attested, what about collective ones, such as the *asāwira* – the elite Sasanian horsemen who were reported to have surrendered to the Muslims? Recent scholarship has used the reporting of our sources on Tustar to consider the role of these soldiers, with Mohsen Zakeri writing in an important book dealing with post-conquest Iranian society and the survival of Iranian elites that:

> After Qādisiyya, the remaining Persian generals agreed to submit to Hurmuzān, the governor of Khūzistān, as their chief. *Dihqānān* of Fallūja, Burs, and Bāb also put their forces under his command. In this period legions of the *asbārān*[34] were in charge of Sāsānid garrisons in ᶜIrāq. They constituted the cavalry officers under Hurmuzān in Ahwāz, Nihāwand, and in Shūstar [i.e., Tustar].[35]

While careful mining of sources is, of course, part of any historian's trade, such definitive conclusions are problematic for the *asāwira* and many other conquest-era Iranian subjects of prosopographical interest, since it is often only possible to reach them through cherry-picking the data. For example, while Ibn Saᶜd, indeed, states that al-Hurmuzān had with him a group of *asāwira* at Tustar,[36] al-Balādhurī's reporting, which Zakeri also cites, makes no connection

31. Al-Balādhurī, *al-Buldān wa-futūḥuhā*, pp. 426, 427.
32. Al-Balādhurī, *al-Buldān wa-futūḥuhā*, p. 427.
33. Al-Balādhurī, *al-Buldān wa-futūḥuhā*, p. 427.
34. Zakeri uses here the Old Persian form; *asāwira* is common in Arabic.
35. Mohsen Zakeri, *Sāsānid Soldiers in Early Muslim Society: The Origins of ᶜAyyārān and Futuwwa* (Wiesbaden, 1995), p. 106 to be read in light of Elton L. Daniel's review, 'Arabs, Persians, and the advent of the Abbasids reconsidered', *Journal of the American Oriental Society* 117.3 (1997), pp. 546–8.
36. See 'al-Hurmuzān', in Ibn Saᶜd, *Kitāb al-Ṭabaqāt al-kabīr* (9 vols), eds Eduard Sachau et al. (Leiden, 1904–40), 5, pp. 64–5. The text states that Yazdagird sent al-Hurmuzān to Tustar, which he took control of, entrenching himself in its fortress with the *asāwira*.

between these soldiers and al-Hurmuzān, and al-Ṭabarī's reporting, which Zakeri does not cite, inconveniently lists various members of the *asāwira* in Khūzistān, but shows no connection between them and al-Hurmuzān.[37] Such inconsistencies require of historians today not a comprehensive data mining, as often occurs with early Islamic Iran, but an extremely critical and cautious reading of the sources. We are still some way from being able to conclude what – from a history of memory perspective – a work such as Ferdinand Justi's *Iranisches Namenbuch* represents as an onomastic record. How many of its names actually lived on in the memory of third/ninth or fourth/tenth century Muslims? Has Justi, in his painstaking work in the nineteenth century, produced a record that would have been recognisable to luminaries such as al-Ṭabarī or Firdawsī?

In much conquest reporting, I am therefore arguing, one finds oneself drowning in detail about the Arabs; on the Persian side, by contrast, one merely scrapes by. The concern shown by Ibn Aʿtham's text for the Persian side is rare and problematic in its dating. More detail is provided for major figures such as al-Hurmuzān, whose names occupied a place in late Sasanian historiography, but otherwise it is extremely hard to know whether, with the Arabic reporters of the third/ninth and fourth/tenth centuries, one is dealing with a set of living memories of the Persian side or, more likely, with an inert record in which personal identity is lost. Historians often ponder which is more durable: narrative structure or narrative detail. The case of Persian identities would suggest that it depends on an audience's context.

EXTENSIVE KILLING OF 'POLYTHEISTS'

While there may well have been a traitor at Tustar – perhaps even one named Siyā (or Sīnah), as Zarrīnkūb asserted – the prosopographical evidence is brittle. The identity of the collaborator does not seem to have figured prominently in the traditionists' recollections, nor, one can reasonably guess, in the memory of their audiences. Turning to our second 'kernel', the *Chronicle* provides a vivid sense of distress and loss as it tells us that the Arabs, upon entering Tustar, spilled 'blood there as if [it were] water'. They killed the exegete of the city and the bishop of Hormīzd Ardashīr, 'along with the rest of the students, priests and deacons, shedding their blood in the very [church] sanctuary'.

In the Arabic sources, killing also plays a central part in the drama. We might,

37. Al-Balādhurī, *al-Buldān wa-futūḥuhā*, pp. 423, 427; al-Ṭabarī, *Taʾrīkh*, 1, pp. 2561–4 (these members of the *asāwira* are identified as having surrendered to the Muslims, which al-Hurmuzān had not yet done; he had appeared in al-Ṭabarī's narrative, however, without mention of an *asāwira* connection).

given the account in the *Chronicle*, expect to find some recollection of Christians among the dead at Tustar, but so far as I am aware, the sources contain no such recollection. Instead, we find a vocabulary that effaces the religious identity of the losers. Consider, for example, al-Balādhurī's report, where we learn that Abū Mūsā travelled to Tustar, where a branch of 'the enemy' had assembled. At the opening of the conflict, al-Barāʾ b. Mālik charged the gate of Tustar and was martyred. Afterwards, the Muslims killed 900 of al-Hurmuzān's troops and captured 600 others, who were executed.[38] Abū Mūsā also 'killed anyone who was in the citadel who did not have a guarantee of safety', though he passed al-Hurmuzān on to ʿUmar, who let him live.[39] Al-Ṭabarī, similarly, focuses his attention on al-Hurmuzān and the Sasanians – with armies from Fārs, Jibāl and Ahwāz – but not the residents of Tustar in recounting the Muslim victory: 'From the day the siege began until the time God conquered Tustar for the Muslims, al-Barāʾ b. Mālik killed one hundred adversaries, in addition to those he slew on other occasions.'[40] That we are witnessing repression of memory is also suggested by al-Ṭabarī's recollection of the conquest of Sūs. In this story, there *are* Christians, but in contrast to the *Chronicle*'s reporting, they are treated benignly, in spite of much antagonism from Christian monks and clerics and the Arabs' need to take the city by force.[41]

It seems a reasonable assumption that there were Christian dead at Tustar and that they quite possibly included the leaders mentioned by the *Chronicle*. One reasonable explanation for the absence of Christians in the Arabic sources is that the Christians have no meaningful place within the stories that these sources relate. Another explanation, favoured by Robinson, is that while generally speaking reporters take the legitimacy of conquest killing for granted, the post-conquest legal tradition – which knew of the Prophet's prohibition of killing monks – made it inconvenient to remember Tustar's Christians. Muslims also had real Christian, Jewish and Zoroastrian neighbours to consider, and they did not wish to recognise their own non-Muslim ancestors among the dead. A further possible reason should also be taken into consideration: we may have here, and more broadly throughout conquest literature, an example of what Gerald Hawting has identified in the case of pre-Islamic Arabia and later periods of Muslim history – the making of monotheists into polytheists for polemical purposes. In this strategy, a vocabulary featuring terms such as *mushrik* and *kufr* was

38. Al-Balādhurī, *al-Buldān wa-futūḥuhā*, p. 427.
39. A bit earlier in the text, in another narrative that al-Balādhurī quotes; *al-Buldān wa-futūḥuhā*, p. 426.
40. Al-Ṭabarī, *Taʾrīkh*, 1, pp. 2553–4; *History of al-Ṭabarī*, 13, p. 134.
41. Al-Ṭabarī, *Taʾrīkh*, 1, p. 2565; *History of al-Ṭabarī*, 13, pp. 145–6.

employed to efface the identities of Christians and other faith groups. We are meant to remember the existence of losers, but not their identity. And so certain categories of Persians faded into obscurity, much as did the Sasanian soldiers, the collaborator and the social group of the *asāwira*.[42]

THE SURRENDER OF AL-HURMUZĀN: *FUTŪḤ* AND *FITNA*

So far, we have seen two ways in which the 'facts' of Tustar passed into oblivion. In the first of these, details of a traitor's identity were picked up by Muslim historians, though without a lot of care. The names given for the traitor represented bits and pieces of a genuinely old tradition, which were then reused by traditionists. Modern forgers today pass items onto the art market in a similar fashion, by lashing up bits from two or more genuinely antique pieces, inserting shards into the incomplete vessel and then skilfully painting over the vessel to present an object of apparent antiquity. In the third/ninth and fourth/tenth centuries, the names of historical Persians likewise became part of a new record, their Persianness, antiquity and very strangeness suggesting the authenticity of the record. But these names were not subject to heated debate, as were their Arab counterparts. The second way of obscuring the facts about the conquest of Tustar involved converting the Tustaris into polytheists.

Polemical purposes also underpinned the erasure of facts, as illustrated by the third 'kernel' in the accounts of Tustar's conquest: the surrender of al-Hurmuzān. The Nestorian *Chronicle*'s account of the battle ends with the statement: 'al-Hormizdān himself they took alive'. For the Arabic sources, this is, in fact, just the start of a new line of investigation concerning the life of al-Hurmuzān among the Muslims and a series of events that foreshadow and raise the possibility of his later complicity in the murder of the caliph ʿUmar. ʿUmar was killed by a Persian slave by the name of Abū Luʾluʾa, after which one of ʿUmar's sons, ʿUbayd Allāh, killed a number of people, including, according to many reports, al-Hurmuzān. In these killings, ʿUbayd Allāh created a dilemma, for ʿUmar's successor, ʿUthmān, could not kill ʿUmar's son, even though ʿUbayd Allāh had committed murder – a crime punishable by death. By all accounts, ʿUthmān let ʿUbayd Allāh go free;[43] ʿUbayd Allāh fled to Syria, where he died at the battle of Siffīn fighting on the side of Muʿāwiya. And so there is a certain logic according to which the negative portrayals of al-Hurmuzān at Tustar provide a backstory to later events and suggest the probability of his guilt, while also reducing the

42. I pursue these points in more detail in *The New Muslims of Post-Conquest Iran*, p. 212ff.
43. 'A decision that was grist for the anti-ʿUthmān mill'; see C. F. Robinson, 'ʿUbayd Allāh b. ʿUmar', in *EI2*.

blame attached to ᶜUthmān for failing to punish ᶜUbayd Allāh. In other words, if there was something fishy about al-Hurmuzān already at Tustar, the later turn of events becomes more understandable.

Tustar would appear to be a quintessential example of what Pierre Nora has described as 'sites' or *lieux* of memory – such as museums, archives, cemeteries, festivals, anniversaries, treaties, depositions, monuments, sanctuaries and fraternal orders – around which a society's 'memory crystallizes and secretes itself' as the past is made and remade.[44] Such sites, I would further argue, are generally not islands unto themselves (nor, of course, necessarily physical localities), but rather deeply connected, with one memory linked to another in sometimes surprising ways that bring to mind Lewis Carroll's *Alice's Adventures in Wonderland*. A modern historian, immersed in a narrative describing traitors, surrender and murder, falls into an underworld populated by other characters, whose narratives draw him or her into a seemingly different world of references. Audiences knew these warrens and their surpluses of meaning quite well and likely saw the story of al-Hurmuzān's defeat and surrender at Tustar as a natural path linking the Arab conquests to the divisions that befell the community afterwards; that is, *futūḥ* (conquests) led to *fitna* (discord).

And so, in writing about Tustar, the Arabic sources probe al-Hurmuzān's loyalties. Doubts are built deeply into the core story about him and must date back to the earliest layers of historiography. For example, a commonly repeated anecdote, seemingly about forcible conversion, in fact has little to do with that theme. In the account of Ibn al-Aᶜtham, on meeting al-Hurmuzān, ᶜUmar ordered his prisoner to state the Muslim profession of faith, through which conversion would be effected (*qul: lā ilāh illā Allāh Muḥammad rasūl Allāh*).[45] Al-Hurmuzān refused, so ᶜUmar declared that he would kill him. Al-Hurmuzān protested that he was thirsty and requested: 'Give me a drink before you kill me.' ᶜUmar sent for some water, which was brought in a vessel of 'wood, or some such material'. Al-Hurmuzān announced that he would not drink from such a vessel, but only from one ornamented with jewels.[46] ᶜUmar replied that the Muslims knew no such finery. ᶜAlī b. Abī Ṭālib (who was present) mentioned another type of vessel that would suit al-Hurmuzān and, eventually, a cup was brought to him, and ᶜUmar ordered him to drink. Al-Hurmuzān replied: 'I am afraid you will kill me before I [finish] drinking it.' ᶜUmar replied, appealing to God as his witness:

44. Nora, 'Between memory and history: *les Lieux de mémoire*', 'Memory and countermemory', trans. Marc Roudebush, *Representations* 26 (1989), special issue 'Memory and counter-memory', pp. 7, 12; see also Nora, *Les Lieux de mémoire* (3 vols) (Paris, 1997).
45. Ibn Aᶜtham, *Kitāb al-Futūḥ*, 2, p. 24.
46. Ibn Aᶜtham, *Kitāb al-Futūḥ*, 2, p. 25.

'I will only kill you once you have drunk it.' At this moment, al-Hurmuzān raised the cup and then struck it on the ground, breaking it and prompting ʿUmar to say, 'O Muslims! What do you see here?' The Muslims were silent. ʿAlī explained that ʿUmar had given al-Hurmuzān a guarantee of safety and sworn that he would not kill him until after he had drunk the water, 'but he did not drink it and so you cannot kill him'. Instead, ʿAlī said, ʿUmar should impose the *jizya* upon al-Hurmuzān and his progeny now in Medina. Al-Hurmuzān replied:

> You will not impose the *jizya* on someone like me, for I am a king and a son of a king. Rather, I will enter into the religion of Islam (*dīn al-Islām*) obediently, not unwillingly. I bear witness that there is no God but God and that Muḥammad is the Messenger of God!

The story concludes: 'Al-Hurmuzān embraced Islam, and all who were with him embraced Islam – his family, children, servants, and household.'[47]

This story of al-Hurmuzān's conversion served as a stump on to which other stories were added. In these stories, we see what psychologists might recognise as instances of 'transference', although this psychological phenomenon generally involves the appearance of the past in the present, and here we have the future lived in the past. Thus, al-Hurmuzān reportedly took on something of an advisory role to ʿUmar and the Arabs, but the weakness of his loyalty is stressed in a frequently repeated anecdote involving ʿUmar, al-Hurmuzān and a bird. ʿUmar says to al-Hurmuzān: 'Suppose Persia today is like a head and two wings.' Al-Hurmuzān asks: 'Then where is the head?' ʿUmar replies: 'In Nihāwand, under the command of Bundār, for he has Kisrā's *asāwira* and people from Iṣfahān with him.' Al-Hurmuzān then asks: 'Where are the wings?' The report's witness forgets what ʿUmar meant by the wings, but recalls al-Hurmuzān's answer: 'Cut off the wings, then the head will weaken.' ʿUmar senses a plot: 'You speak lies, enemy of God! No, I shall go for the head first, which I shall cut off; when God has struck it off, the wings will no longer resist Him.'[48]

Those who would defend al-Hurmuzān's loyalties were few, but they seem to have included at least some ʿAlīds, to whom we might trace negative images of ʿUbayd Allāh (including as an anti-Persian bigot). It is curious that very occasionally marriage ties are reported to have bound al-Hurmuzān to the family of Abū Ṭālib.[49] This might reflect a more positive evaluation of his loyalties and a

47. Ibn Aʿtham, *Kitāb al-Futūḥ*, 2, p. 25.
48. Al-Ṭabarī, *al-Taʾrīkh*, 1, pp. 2600–1; *History of al-Ṭabarī*, 13, pp. 184–5.
49. These are not widely reported; see the brief mention by Abū Isḥāq al-Fārisī al-Iṣṭakhrī within a treatment of the province of Fārs in his *al-Masālik wa-l-mamālik*, ed. M. J. de

memory of the Iranian *Shīᶜa* that runs parallel to memories of a marriage between al-Ḥusayn and a daughter of Yazdagird.[50] Some of the *Shīᶜa* may have remembered al-Hurmuzān fondly for his involvement in ᶜUmar's death. Histories of Iṣfahān, meanwhile, present an innocent picture of al-Hurmuzān, because such a picture served their own interests: without artifice, al-Hurmuzān now advises ᶜUmar to chop off the head, that is, Iṣfahān – all the better to stress the importance of Iṣfahān in the story.[51] Was this the first memory and the other a revision or was the reverse the case? It is hard to say. Many other, distinct anxieties also cluster around al-Hurmuzān's surrender at Tustar, including those of a legal nature regarding a precedent for taxes and spoils. There is also a report, cited by al-Ṭabarī, in which ᶜUmar vents his frustration at a companion, who, in translating between Arabic and Persian, failed to properly alert ᶜUmar that he was granting a guarantee of safety to al-Hurmuzān. ᶜUmar says: '[B]e on your guard against this language' – that is, Persian – 'for it may devitalise our Arabic language.'[52] This statement likely reflects the broad cultural changes of ᶜAbbāsid times.

To audiences, these stories expressed the concerns of their own days through the experiences of the early Muslims. The inclusion of details such as the names of the Persian fighters may have suggested the authenticity of the stories as a record of events, but were not so important as representations of the dilemmas of the Muslims at the time and ever afterwards.

We can also consider such interlocking stories in more literary terms to note that no text[53] is singular, but rather all texts are allusory and depend on and make reference to other texts; nor can the meaning of a single text be understood apart from the universe of texts to which it belongs. Texts are polysemous, with the result that their meanings cannot be exhausted through analysis (though forgetting meanings is part of reading). 'Originality' becomes vexed, as stories are 'clichéd, already written'; likewise, it becomes difficult to speak of authors as

Goeje (Leiden, 1927), p. 140, cited by Shahbazi, 'Hormozān', and by L. Veccia Vaglieri, 'al-Hurmuzān', in *EI2*.

50. On Yazdagird's daughter, see especially Mohammad Ali Amir-Moezzi, 'Shahrbānū, Dame du pays d'Iran et Mère des Imams: Entre l'Iran préislamique et le Shiisme Imamite', *Jerusalem Studies in Arabic and Islam* 27 (2002), pp. 497–549; Savant, *The New Muslims of Post-Conquest Iran*, p. 102ff.
51. Abū al-Shaykh al-Iṣfahānī, *Ṭabaqāt al-muḥaddithīn bi-Iṣfahān wa-l-wāridīn ᶜalayhā* (4 vols), ed. ᶜAbd al-Ghafūr ᶜAbd al-Ḥaqq Ḥusayn al-Balūshī (Beirut, 1987–92), 1, p. 179. See also Abū Nuᶜaym al-Iṣfahānī, *Kitāb Dhikr akhbār Iṣbahān = Geschichte Iṣbahāns* (2 vols), ed. Sven Dedering (Leiden, 1931–4), 1, p. 21.
52. Al-Ṭabarī, *al-Ṭaʾrīkh*, I, p. 2560; *History of al-Ṭabarī*, 13, p. 140.
53. Or in Roland Barthes' terms, the 'work'; see Barthes, 'Theory of the text', in *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (London, 1981), pp. 31–47.

singular figures of genius or to apply uncritically a modern notion of authorship to third/ninth or fourth/tenth century texts.[54]

I would extend these insights to memory, as it was shaped by our sources, so as to assert the 'intertextual' quality of memory, to use the now popular term first coined by Julia Kristeva.[55] A pure and singular memory is an impossibility – all memories, individual or collective, require their 'shadows'.[56] No memory is a natural or purely writerly creation; rather, memory is cultural and generated within culture. But contra some strains of literary theory, I would like to insist that culture and memory are historically specific; the idea of the unique brilliance of an 'author', including a third/ninth or fourth/tenth century one, deserves scrutiny, but not all discourses were possible at all times, and groups nourished different memories at different times. The Syriac text of the *Khūzistān Chronicle* must be distinguished from Ibn Aʿtham's account, the latter participating in a culturally specific discourse about *futūḥ* and *fitna* (notwithstanding broader patterns of intercultural transmission).[57] The highly traditional – that is, conditioned and repetitive – quality of so many of our Arabic and Persian sources – not to mention the presence of texts repeated within other texts – attests to shared memories that generally cannot be uniquely pinned to a creative agent, but names were attached differentially to texts (giving them a 'brand', in modern, commercial terms), and discourses varied over time. Ibn Aʿtham's text and its exuberant – and, from a source-critical perspective, perplexing – transmission into Persian is perhaps paradigmatic of its unstable but still bounded discursive context.

With regard to our third 'kernel', then, the story of al-Hurmuzān's surrender as presented in the *Chronicle* does not prepare us for the elaboration of his story that we find in the Arabic sources, which, in fact, connects to a much broader and more complex network of memories. Tustar is an important site in this network, and it is also a site that is linked to other sites.

CONCLUSION

For Arabic reporters, the dramatic events at Tustar represented an opportunity to reconsider the forces that drove the early Muslim community and its expansion beyond Arabia, to dwell on the theodicy at the heart of Islamic history and to

54. Graham Allen, *Intertextuality* (London, 2000), pp. 42, 50.
55. See especially Julia Kristeva, *Desire in Language: A Semiotic Approach to Literature and Art*, trans. Thomas Gora, Alice Jardine and Leon S. Roudiez, ed. Leon S. Roudiez (New York, 1980), pp. 36–91.
56. On this aspect of Barthes' thought about texts, see Allen, *Intertextuality*, p. 81.
57. For the issue of intercultural transmission, see especially Robert Hoyland, 'Arabic, Syriac and Greek historiography in the first Abbasid century: an enquiry into inter-cultural

document, and sometimes lament, the human interests that excited the community's leading players. As witnesses, they share the Nestorian *Chronicle*'s awareness of the magnitude of change initiated by the conquests. At the level of detail, one can identify congruence: a victory after a siege; killing and plunder; and, with the taking of al-Hurmuzān, a change in the tide of the conquests entirely. This congruence between the Syriac and Arabic sources, however, is overshadowed by the much more extensive and varied reporting on the Arabic side. Tustar excited the imagination of many a narrator. The importance of Tustar as a meaningful site for remembrance is perhaps best demonstrated by the way in which the words of the various protagonists are recalled in detail, as when ʿUmar threatens al-Hurmuzān with death for refusing to convert to Islam or when al-Hurmuzān accepts Islam, lest he – 'a king and a son of a king' – be forced to pay the *jizya*. The dialogue gives evidence of conversion for preservation of life, status and property. Although such accounts cannot address many questions that arise about real violence in the conquests or forcible conversions, they can tell us what our narrators *wanted* us to remember about Iranian elites and their histories, and they assume violence as part of that picture.

If we examine the development of traditions, we can detect some patterns in the ways in which reporters shaped memory. The techniques that we can identify include deepening and adding structure to memory, especially of Basran and Kufan participation; omissions or suppression, as with the identity of the Persian protagonists at Tustar, who generally drop from the record; a recategorising memory, as when a vague label (non-Arabs, perhaps including Christians) becomes 'polytheists' in the reporting of al-Balādhurī; and what I call 'transference' – when traditionists appear to be speaking about Tustar, but in reality have in mind a number of other issues that concern them. Importantly, in all cases, we are speaking about incremental changes in memory that cannot be accounted for by models rooted in positivism, according to which memory either grows or shrinks. Memory does not become better or worse; rather, its principles of selection change, as well as its points of stress.

Our Arabic sources also suggest a fossilised record of the Persian side. In my opinion, by the early third/ninth century this was a predominantly written record, available in more forms and locales than generally recognised today. In shaping his own account of the past, a narrator would have drawn upon his power of reason, his sense of history and his society's broadly shared memories.

traffic', *ARAM Periodical* 3 (1991), pp. 211–33, especially pp. 223–33; Lawrence I. Conrad, 'Theophanes and the Arabic tradition: some indication of intercultural transmission', *Byzantinische Forschungen* 15 (1988), pp. 1–44; Borrut, *Entre mémoire et pouvoir*, p. 140ff.

The result was a work that gave voice to his perspective and, in turn, shaped the memories of future generations. But because an extensive record persisted apart from the immediate bearers of memory, not only details but also perspectives became frozen in the record and available for later generations.

Finally, my analysis highlights the intertextual quality of memory and the way in which texts belong to meaningful historically and culturally specific discourses, in this case relating to *futūḥ* and *fitna*. If we wish to understand the erasure of the past – such as of Sasanian era names – we need to understand the discursive environments within which our Muslim writers worked and their boundaries, primary referents and associations.

PART II

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THE CHALLENGED ESTABLISHMENT: ATTITUDES TO VIOLENCE AGAINST THE STATE AND IN ITS DEFENCE WITHIN THE MUSLIM COMMUNITY

CHAPTER

6

WHO INSTIGATED VIOLENCE: A REBELLING DEVIL OR A VENGEFUL GOD?

*István T. Kristó-Nagy**

INTRODUCTION

The contrast between the attitude towards violence of the God of the Old Testament and the God of the New Testament was already explored by Marcion (d. *c*. 160 AD) before the advent of Islam and has been rediscovered again and again since.[1] Marcion saw the former as the creator of the world and God of the law and the latter as the good God, the God of love.[2] The character of

* University of Exeter. I would like to thank Dr Victoria George, Dr Zohar Hadromi-Allouche, Dr William Gallois and Professor Robert Gleave, who read drafts of this chapter and gave me helpful advice.

1. The violent character of the monotheists' God was severely criticised by adepts of dualist religions for over a millennium, see I. T. Kristó-Nagy, 'A violent, irrational and unjust God: antique and medieval criticism of Jehovah and Allāh', in *La morale au crible des religions*, ed. M. -T. Urvoy (Versailles, 2013), pp. 143–64. See also C. G. Jung's seminal, *Antwort auf Hiob* (Zürich, 1952), English translation by R. F. C. Hull, *Answer to Job* (London, 1954), and recent scholarship on the inherent violence of monotheism: R. M. Schwartz, *The Curse of Cain: The Violent Legacy of Monotheism* (Chicago, 1997); R. Stark, *One True God: Historical Consequences of Monotheism* (Princeton, 2001); J. D. Eller, *Cruel Creeds, Virtuous Violence: Religious Violence across Culture and History* (Amherst, 2010).
2. See Adolf von Harnack, *Marcion: Das Evangelium vom fremden Gott* (2nd edn) (Leipzig, 1924), pp. 89–92. Available at: http://www.archive.org/details/AdolfHarnack.MarcionDasEvangeliumVomFremdenGott (accessed 1 June 2014); English translation by J. E. Steely and L. D. Bierma, *Marcion: The Gospel of the Alien God* (Durham, NC, 1990), pp. 60–2. The original quotations from the sources are presented in Harnack's 'Beilage' (appendix), 5, pp. 256–313, that is not included in the English translation.

the former reflects a community's need for sanctified social norms, while the character of the latter shows the community's and the individual's longing for the hope of salvation.[3] The God of the Qurʾān is also one of punishment and pardon. This chapter investigates the former aspect and focuses on: (1) the appearance of evil and violence in the universe as described in the Qurʾān; (2) the philosophical-theological questions revealed by this myth; and (3) its social implications.

VIOLENCE AS REVENGE

One could expect the Qurʾān to indicate that violence was first committed by the Evil One.[4] In the entire text, however, we do not find any violent act that would belong to the Devil.[5] His crime is not violence, but pride and disobedience. According to the Qurʾān, the first ever to commit a sin was Iblīs, who refused to

3. See above, the chapter 'Violence, our inherent heritage', pp. 10–11.
4. For the state of the research on Islamic views on the Devil, see H. Algar, 'Eblīs', in *Encyclopaedia Iranica*. Available at: http://www.iranicaonline.org/articles/eblis (accessed 1 June 2014); T. Fahd and A. Rippin, 'Shayṭān', in *EI2*; A. Rippin, 'Devil', in *Encyclopaedia of the Qurʾān* (6 vols), ed. J. D. McAuliffe (Leiden, 2001–6), 1, pp. 524–7; A. Rippin, 'Iblīs', in *Encyclopaedia of the Qurʾān*, 2, p. 473. In addition to several articles and chapters cited in the notes of this chapter, there are also a few books and doctoral dissertations dedicated to the study of Devil in the Qurʾān, its exegeses (*tafsīr*s), the Ḥadīth and the Ṣūfī tradition: W. S. Bodman, *The Poetics of Iblīs: Narrative Theology in the Qurʾan* (Cambridge, MA, 2011), which builds on his formerly published, 'Stalking Iblīs: in search of an Islamic theodicy', in *Myths, Historical Archetypes and Symbolic Figures in Arabic Literature: Towards a New Hermeneutic Approach: Proceedings of the International Symposium in Beirut, June 25th–June 30th, 1996, Beirut*, eds A. Neuwirth, B. Embaló, S. Günther and M. Jarrar (Beirut, 1999), pp. 247–69; J. Butler, 'Myth and memory: Satan and the other in Islamic tradition' (unpublished PhD thesis, University of Copenhagen, 2008); Z. S. Allouche, 'Between the pure milk and the froth: images of the Devil in Muslim tradition (*hadīth*)' (unpublished PhD thesis, School of Oriental and African Studies, 2006); P. J. Awn, *Satan's Tragedy and Redemption: Iblīs in Sufi Psychology* (Leiden, 1983). See also a paper in preparation, which will complement this present chapter: I. T. Kristó-Nagy, 'The Devil and the arts' (forthcoming).
5. We find in the Qurʾān two verses that seem to suggest that Iblīs has some military potential. One is the expression جُنُودُ إِبْلِيسَ in Q 26:95. According to the *tafsīr* of al-Ṭabarī (d. 450/1058), these 'armies/hosts/legions of Iblīs' are his followers, both of his own offspring and the offspring of Adam. See Ibn Jarīr al-Ṭabarī, Ṣ. F. al-Khālidī (ed.) and I. M. al-ʿAlī (com.), *Tafsīr al-Ṭabarī: Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān* (7 vols) (Damascus, [1418] 1997), 5, p. 659. They are only mentioned to indicate that they will be pitched into the Hell. See Q 26:91–5. The closest hint in the Qurʾān to a possible violent act of the Devil is in Q 17:63–4, in a passage where Allāh enjoins or predicts the acts of Iblīs:

obey when Allāh ordered the angels to prostrate themselves in front of Adam. This first sin is the source of all the others. God interrogates Iblīs about the reason that prevented him from executing His order. Iblīs explains that since he was created from fire, he will not bow in front of a creature made of clay such as Adam. In two versions of the account,[6] God says to him:

قَالَ فَاخْرُجْ مِنْهَا فَإِنَّكَ رَجِيمٌ

The meaning of the first part of the sentence is obvious:

> He said: 'Go out from it (the Paradise)!'

But the second part presents a small ambiguity that is important for our quest:

> 'You are رَجِيمٌ.'

> 63. He said, 'Go, and any of them who follows you.
> Jahannam will be your recompense,
> an ample recompense.
> 64. And startle with your voice any of them you can,
> and assemble against them your horsemen and your foot-soldiers,
> Share with them in their property and children,
> and promise them.'
> But Satan promises them only delusion.
>
> See A. Jones (trans.), *The Qur'ān* (Exeter, 2007), p. 266.

17:63 قَالَ اذْهَبْ فَمَن تَبِعَكَ مِنْهُمْ فَإِنَّ جَهَنَّمَ جَزَاؤُكُمْ جَزَاءً مَّوْفُورًا

17:64 وَاسْتَفْزِزْ مَنِ اسْتَطَعْتَ مِنْهُمْ بِصَوْتِكَ وَأَجْلِبْ عَلَيْهِم بِخَيْلِكَ وَرَجِلِكَ وَشَارِكْهُمْ فِي الْأَمْوَالِ وَالْأَوْلادِ وَعِدْهُمْ وَمَا يَعِدُهُمُ الشَّيْطَانُ إِلاَّ غُرُورًا

The *Sīra* (Muḥammad's biography) and *ḥadīth* record a number of violent actions that the Devil or demons performed or inspired against prophets, including Muḥammad, and against the Muslims. See Z. S. Allouche, 'Between the pure milk and the froth', pp. 92 (the killing of two prophets), 177–202 (attacks against Muḥammad), 93, n. 155 (participation in battles between the Muslims and their Meccan enemies). But all these actions happen after, and as a consequence of, the original clash between God and the Devil. Interestingly, in a rare *ḥadīth* and its folktale versions, it is the gruesome but still inadequate violence applied by Adam (and Eve) against the Devil's child that results in the latter's settling in the breasts of all Adam's descendants. See Z. Hadromi-Allouche, 'The death and life of the Devil's son: a literary analysis of a neglected tradition', *Studia Islamica* 107 (2012), pp. 157–83.

6. Q 15:34 and 38:77.

What is the exact meaning of رَجِيمٌ? In this sentence, the original meaning of this adjective was probably 'outcast', 'banished', 'cursed' or 'damned'.[7] However, the principal meaning of the verb رَجَمَ in Arabic is 'to throw, cast stones at someone or something'. Even in the case of the word being the adjective رَجِيم, the idea of stoning resounds in the mind of the arabophone listener or reader. The Qurʾān itself employs the verb with this meaning[8] and during the *ḥajj*, Muslims

7. See the chapter 'CS 2 *al-Shayṭān al-Rajīm*', in G. S. Reynolds, *The Qurʾān and its Biblical Subtext* (London, 2010), pp. 54–64. I would add to his arguments that this meaning of this word is corroborated by another variant of this account in Q 7:13:

   قَالَ فَاهْبِطْ مِنْهَا فَمَا يَكُونُ لَكَ أَنْ تَتَكَبَّرَ فِيهَا فَاخْرُجْ إِنَّكَ مِنَ الصَّاغِرِينَ

   صاغر is an active participle that is best rendered in English as 'low', 'despised', 'abased' and 'humiliated'. It is quite significant that this adjective describing the status of Iblīs is also used to describe the status of Jews and Christians in Q 9:29:

   قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّىٰ يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ

   On this latter question, see M. -T. Urvoy, 'Moral violence in *Aḥkām ahl al-dhimma* by Ibn Qayyim al-Jawziyya', in *Violence in Islamic Thought: From the Mongols to European Imperialism*, eds R. Gleave and I. T. Kristó-Nagy (Edinburgh, forthcoming). See also Q 7:18:

   قَالَ اخْرُجْ مِنْهَا مَذْءُومًا مَدْحُورًا لَمَنْ تَبِعَكَ مِنْهُمْ لَأَمْلَأَنَّ جَهَنَّمَ مِنْكُمْ أَجْمَعِينَ

   He said, 'Leave it despised and banished.
   Those of them who follow you
   – I shall fill Jahannam with you all.'

   See Jones (trans.), *The Qur'ān*, p. 148. دحر can, however, mean to 'push', 'thrust', 'repel', 'with roughness, or violence, and ignominy'; see E. W. Lane, *Arabic–English Lexicon* (8 vols) (London, 1863–93), p. 855. Available at: http://www.tyndalearchive.com/tabs/lane/; http://dict.yulghun.com/lane (accessed 1 June 2014).

8. It is obvious in the case of Q 26:116, 44:20, 11:91, 36:18 and 18:20. In the case of Q 19:46, the verb لَأَرْجُمَنَّكَ is usually understood as 'I shall surely stone you' (Jones (trans.), *The Qur'ān*, p. 285), but according al-Ṭabarī the verb in this case refers to stoning with speech – that is, to vilifying; see Ṭabarī, *Tafsīr al-Ṭabarī*, 5, p. 244. The expression رَجْمًا بِالْغَيْبِ in Q 18:22 is also linked to the image of throwing stones (see Lane, *Arabic–English Lexicon*, pp. 1047–8) and the expression وَجَعَلْنَاهَا رُجُومًا لِلشَّيَاطِينِ in Q 67:5 has been usually understood by commentators as 'and made them projectiles against the devils' (see Jones (trans.), *The Qur'ān*, p. 528). In spite of the fact that the original meaning of this verse might have been different (see Reynolds, *The Qur'ān and its Biblical Subtext*, p. 63), the reader or listener could connect the story of Iblīs stoned out of the Paradise with this verse showing God casting stars against the devils; see Awn, *Satan's Tragedy and Redemption*, pp. 37–8; Reynolds, *The Qurʾān and its Biblical Subtext*, pp. 58–9.

still stone Satan, remembering his failed attempt to make the family of Abraham disobey God's command.[9]

For a reader who understands رجيم as 'stoned', the message of the Qurʾān is that the first violent act in the history of the universe was committed by God, who punished Iblīs. Humiliation and expulsion are not, evidently, violent acts (though they can well be), but stoning is violent indeed.

Whether stoned or outcast, Iblīs asks for a reprieve. God gives it to him. Iblīs then promises that because God led him astray, he will do the same with humankind, with the exception of the few devoted servants of God. Allāh then promises that Iblīs and everyone who follows him will end up in Hell and burn there.[10] We can see that Iblīs accuses God of leading him astray, presumably because his decision not to prostrate himself was, in fact, a decision made by God, who is omnipotent. As revenge, or by following God's further goals, he will lead all humans astray, with the exception of God's devoted servants.[11] Being led astray, by God or the Devil, might be fatal, but it is not an act of violence. However, being tormented in eternal fire is definitely the most violent ending that any prophet or believer can imagine.

The corresponding passage of the Old Testament is similar in its message, though it is more archaic and possibly even more convulsing.[12] Here, the evil protagonist is the 'snake', who is punished, as are the woman and the man. According to the discussion between the snake and the woman,[13] as well as to God's own reasoning and conclusion in this passage,[14] man is not expelled from the Garden of Eden for disobedience alone, but because of the jealousy of God (or gods?), the fear of the creator that his creature will become equal to Him; through his disobedience he acquired the knowledge of good and evil, and he is expelled in order to avoid him attaining eternal life as well.

Furthermore, according to the Qurʾān, preceding Iblīs' refusal to prostrate himself to Adam, God said to the angels:

> 'I am going to put a viceroy[15] in the earth.'

9. See al-Ṭabarī, *Taʾrīkh al-rusul wa-l-mulūk = Annales*, ed. M. I. de Goeje *cum aliis* (Leiden, 1879–81), 1, pp. 303–4. For an English translation, see W. M. Brinner (trans.), *The History of al-Ṭabarī: Volume II: Prophets and Patriarchs* (Albany, 1987), pp. 92–3.
10. Q 7:18 (see above, p. 96, n. 7), 15:41–4, 17:63, 19:68, 26:91–5, 36:60–4 and 38:85. See also Q 34:20–1.
11. Q 15:39–50, 17:62–5, 34:20–1, 36:60–8 and 38:82–5.
12. Genesis/II/15–III/24.
13. Genesis/III/1–6.
14. Genesis/III/22–4.
15. *Khalīfa*.

> They said, 'Will you put in it someone who will wreak mischief in it and will shed blood,
> while we glorify You with praise and declare You holy?'
> He said, 'I know what you do not know.'[16]

This would indicate that the future corruption and violence spread by men on Earth could play a part in Iblīs' rejection of him as God's viceroy. According to a *ḥadīth*, it was Iblīs who informed the angels of the future vices of man.[17]

For a study on violence in Islamic thought, the idea of divine punishment is crucial. We gather from the Qurʾān's description of the very first but everlasting conflict in the Universe that violence does not come from the Devil, but from *God*. And since God is worshipped as being perfectly good and just, it means that violence as applied against one who disobeys God is not evil, but just and good.[18] As a consequence, if one wants to apply and sanctify violence against someone, one only has to claim that the target of violence is disobeying God. He or she does not even need to be violent. The Devil is not violent either, but he *is* a rebel.

FREE WILL AND EVIL

The problem of evil and of divine punishment reveals a heavy set of paradoxes intrinsic to monotheism: if God is unique, perfectly good and just, where does evil come from? If God is omnipotent, how can His creatures have free will, and how can they rebel against Him? If God is good, just and omnipotent, how

16. Jones (trans.), *The Qur'ān*, p. 28. Q 2:30:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ
الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ

17. See Allouche, 'Between the pure milk and the froth', pp. 82, 111.
18. The Qurʾān speaks several times about God's revenge against the sinners, including, most of all, those who disbelieve. In fact, the different forms of انتقم are only used referring to God; see Q 3:4, 5:95 (twice), 7:136, 14:47, 15:79, 30:47, 32:22, 39:37, 43:25, 43:41, 43:55, 44:16. See also D. Marshall, 'Punishment stories', in *Encyclopaedia of the Qurʾān*, 4, pp. 319–22. The Avenger (*al-Muntaqim*), as well as the Harmer (*al-Ḍārr*), the Abaser (*al-Khāfiḍ*) and the Humiliator (*al-Mudhill*) are amongst Allāh's 'holy names'. See J. Hoover, 'God's wise purposes in creating Iblīs: Ibn Qayyim al-Ǧawziyyah's theodicy of God's names and attributes', *Oriente Moderno* 90.1 (2010), pp. 114, 121, 124, 130 (11 and 14). The idea of divine punishment is not present in the monotheistic traditions alone. We also find it in Zoroastrianism. See pp. 15–16 of the introduction of J. de Menasce O. P. (trans.), *Le troisième livre du Dēnkart: Traduit du pehlevi* (Paris, 1973), where Father de Menasce compares the Zoroastrian view, according to which the punishment of the evil-doers is not an act of 'violence' against them, with the Muʿtazilite thesis, according to which the sufferings inflicted on the sinners by God 'ne soient pas un mal'.

can He punish His own creatures who execute His will? These questions have been discussed in all monotheistic traditions without a logically convincing result.[19]

The question of divine predestination or/and human free will and responsibility has been disputed in Islam from a very early date. The debate is rooted in the ambiguous statements of the Qurʾān, as well as in the disputes and apologetics within and between religions preceding Islam, as the problem is, indeed, imminent in monotheism.[20] A poem by Ibn al-Shibl al-Baghdādī is possibly the most desperate formulation of the question. See the following verses in G. J. van Gelder's translation:[21]

23 If Adam made his sons wretched
with a sin, he has no excuse for it.[22]

[…]

25 So he was expelled and made to descend and then he perished;
the dust of the dust-raising winds became his undergarment.[23]

[…]

28 The Enemy[24] attained his desires from us
and ignominy settled on Adam and on us.[25]

[…]

31 We are punished in (Adam's and his children's) loins, not yet having been born –

19. A text attributed to ᶜAbd Allāh b. al-Muqaffaᶜ (d. by 140/758 at the latest) criticises Islam on these very points, touching monotheism in general. See Kristó-Nagy, 'A violent, irrational and unjust God: antique and medieval criticism of Jehovah and Allāh', pp. 155–9; Kristó-Nagy, *La pensée d'Ibn al-Muqaffaᶜ: Un « agent double » dans le monde persan et arabe* (Versailles, 2013), pp. 287–325, 438–51.
20. See M. R. Waldman, 'The development of the concept of Kufr in the Qur'ān', *Journal of the American Oriental Society* 88.3 (July–September 1968), pp. 442–55; J. van Ess, 'Ḳadariyya', in *EI2*; D. V. Frolov, 'Freedom and predestination', in *Encyclopaedia of the Qurʾān*, 2, pp. 267–71; I. T. Kristó-Nagy, 'Denouncing the damned Zindīq! Struggle and interaction between monotheism and dualism', in *Accusations of Unbelief in Islam: A Diachronic Perspective on Takfīr*, eds C. Adang, H. Ansari, M. Fierro and S. Schmidtke (Leiden, 2014), forthcoming. See also below, p. 000, n. 000.
21. G. J. van Gelder, 'The Doubts of Ibn al-Shibl al-Baghdādī (d. 474/1081–2), Poet, Philosopher, and Physician', *The Margaret Weyerhaeuser Jewett Chair of Arabic, Occasional Papers* series, ed. R. Baalbaki (Beirut, 2014), pp. 11–14.
22. فإنْ يكُ آدمٌ أشْقى بنيه بذنْبٍ ما له منه اعتذارُ
23. فأُخْرجَ ثم أُهبِط ثم أوْدى فتُرْبُ السافياتِ له شِعارُ
24. The Devil. See Allouche, 'Between the pure milk and the froth', pp. 88–99.
25. لقد بلغ العَدوُّ بنا مُناهُ وحلّ بآدمٍ وبنا الصَّغارُ

a camel calf is sometimes slaughtered in its mother's womb.[26]

[…]

33 We leave (this world) reluctantly, as we entered it,
as a lizard leaves, expelled from his hole.[27]

34 So what is the favour granted to an existence
where the choice is not given to those made to exist?[28]

35 They would have been blessings if for coming into being
a choice had been given beforehand, or if we had been consulted.[29]

[…]

37 Everyone of subtle understanding is perplexed about it.
the depth of their wound cannot be probed.[30]

The Ashᶜarite solution to the problem is that, contrary the opinion of the Muᶜtazilites, the issue of good and evil as well as that of divine justice cannot be submitted to human reason. Good is good and evil is evil because God says so, and all humans have to submit themselves absolutely to God's will and hope for His mercy.[31] A similar attitude is reflected in the words attributed to the Shīᶜī Imām Jaᶜfar al-Ṣādiq (d. 148/765):

> It is a deep sea, venture not into it. […] It is an obscure path, walk not along it. […] It is one of Allah's secrets, do not talk about it. […] He who attempts to seek knowledge of it goes contrary to Allah's command, disputes His sovereignty, and is probing into His secret and His veil, [whereby] he has assuredly incurred the wrath of Allah, so his abode will be Gehenna. What an evil destination.[32]

A poetic formulation of this idea with reference to Iblīs is given in the following verses by Sanāʾī (d. 525/1131?):

26. نُعاقَب في الظهور وما وُلِدْنا ويُذبَح في حَشا الأمّ الـحُوارُ
27. ونخرُج كارهين كما دخلْنا خروجَ الضَّبِّ أخرجه الوجارُ
28. فماذا الامتنان علـى وجودٍ لغير الموجَدين بـه الـخيارُ
29. وكانت أَنـعُمًا لـو أنّ كوْنـاً نُخَيَّرُ قبْلَـهُ أو نُـستشـارُ
30. تحيَّر فيه كلُّ دقيقِ فَـهْم وليس لعُمْقِ جُرْحهمُ انسبـارُ

31. As God's absolute omnipotence excludes human free will, God's absolute goodness and justice is in contradiction with God's free will. For a nuanced analysis of the intellectual struggles to solve these paradoxes, comparing the views of Ibn Sīnā (Avicenna, d. 428/1037), Abū Ḥāmid Muḥammad b. Muḥammad al-Ghazālī (d. 505/1111), Muᶜtazilites, Ashᶜarites, Ibn Taymiyya (d. 728/1328) and Ibn Qayyim al-Jawziyya (d. 751/1350), see J. Hoover, *Ibn Taymiyya's Theodicy of Perpetual Optimism* (Leiden, 2007), and his 'God's wise purposes in creating Iblīs'.
32. Ibn Bābawayh, *Risālat al-Iᶜtiqādāt* (Najaf, [1343] 1924), pp. 100–2, quoted in A. Jeffery, *Islam: Muhammad and His Religion* (New York, 1958), p. 154.

What do you say about his refusal to bow?
Was he compelled or free to choose?
If he was able to choose, then God is impotent.
If he was impotent, then God is a tyrant.
Do not ponder about business that is not your business.
Travel not a road that is not your road.[33]

SOCIAL IMPLICATIONS OF THE IBLĪS MYTH

The evolution of society and religion are linked together. Religion sanctifies the framework and rules of society. These rules are necessary for individuals forming a given society to live and act together. The rules of coexistence and cooperation require the individual to give up some of his interests for those of the community. 'Good' and 'bad', I think, appeared in the universe with life. Lifeless things do not experience joy or pain, but living beings do, because the role of both joy and pain is to indicate what is normal in the way of survival and procreation. If an animal feels pain or fear, it is an indication of danger. Without such sensations, life would have died out. Pain, fear, as well as desire, pleasure and satisfaction signal to animals what to avoid and what to look for. The notions of 'good' and 'bad', in my view, originate in these sensations, which are in the service of life.[34] For animals living in a society, such as humans, there often is a tension between the immediate interests of the individual and the interests of the community that he or she belongs to. What is good for me can be bad for us. But humans are not ants, and we do not give up our personal interests so easily for those of our fellows. Some form of coercion is often needed.

The most efficient coercion is what is accepted and internalised by the individual. When our society believes in its rules, it makes us believe in them and punishes or banishes us if we break them. Therefore, we are likely to respect these rules.[35] Religion makes it difficult for a believer to break the rules and sanctifies the community's action to punish the transgressor.

33. Sanāʾī al-Ghaznawī, *Dīwān*, ed. Mudarris Raḍawī (Tehran, [1341 *shamsī*] 1962), pp. 871–2, quoted by Awn, *Satan's Tragedy and Redemption*, p. 174.
34. For these biological and logical origins of dualism, inherent also in monotheism, see Kristó-Nagy, 'Denouncing the damned Zindīq!'
35. Such pragmatic vision on the role of religion as a support for the reign was already present in Ibn al-Muqaffaʿ's writings, such as the *Kitāb al-Ādāb al-kabīr*:

> Know that there are three kinds of rulers: one of religion, one of judiciousness, and one of personal inclination. As for the ruler who is religious, if he upholds the religion of

The myth of Iblīs' rebellion and punishment can be interpreted as indicating the right of the society and its leaders to apply violence against those who disobey their rules and orders. Iblīs can be construed as a symbol of subjective, individual good, human desire and pleasure, when this subjective good does not conform to social norms.[36] He is called Satan because social norms are validated by the abstract notion of an objective and absolute good, personified as God, whose power is represented on Earth by the rulers and the men of religion who condemned subverters as enemies of the community and God.[37]

The God of the Qurʾān is a patriarchal and paternalistic figure. It reflects the social realities of Muḥammad's time and provides a model for Islamic society. In theory, the ideal for Muslims to follow is the example of Muḥammad, considered the most perfect human chosen by God to be His last prophet. It is obvious, however, that the behaviour of Allāh himself has also been imitated by Muslim

> his people, and if their religion is such that he gives them their due and metes out to them what they deserve, they will be pleased with him and he will turn the discontented among them into people who will gladly conform and submit. The reign of a ruler who is of judicious is stable; he will not be free of criticism and discontent, but the criticism of a lowly person will not be harmful if the judicious ruler is strong. As for a ruler of arbitrariness, his reign is one hour of play and an eternity of ruin.
>
> See G. J. van Gelder (selected and trans.), *Classical Arabic Literature: A Library of Arabic Literature Anthology* (New York, 2013), p. 173.
>
> اعلم أن الملوك ثلاثة ملك دين وملك حَزم وملك هويً. فأما ملك الدين فإنه إذا أقام لأهله دينَهم وكان دينُهم هو الذي يُعطيهم الذي لهم ويُلحِق بهم الذي عليهم أراضهم ذلك وأنزلَ الساخطَ منهم بمنزلة الراضي في الإقرار والتسليم. وأما ملك الحزم فإنه يقوم به الأمر ولا يسلَم من الطعن والتسخط. ولَئن يضُرَّ طعنُ الذليل مع حزم القوي. وأما ملك الهوى فلعِب ساعة ودَمار دهر.
>
> See M. Kurd ʿAlī (ed.), *Rasāʾil al-Bulaghāʾ* (4th edn) (Cairo, 1954), p. 49.

36. For this reason, the individual's relationship to the Devil can be ambiguous and even positive; see Kristó-Nagy, 'The Devil and the arts'.
37. 'The Satan is with the individual', الشيطان مع الواحد, according to several variants of a *ḥadīth* calling to stick to the *Umma*, 'The (Muslim) community'. See the first chapter of Ibn al-Jawzī's, *Talbīs Iblīs*, ed. al-Sayyid al-Jumaylī (Beirut, 1985), pp. 13–14. See also in the *Abwāb al-Fitan* of al-Tirmidhī's (d. 628/1231) *Jāmiʿ*; see Abu Khaliyl (trans.), H. A. T. Z. 'A. Za'i (ed.), *English Translation of Jāmiʿ At-Tirmidhī* (6 vols) (Riyadh, 2007), 4, p. 225 (Chapter 7, p. 2165) and the *Kitāb al-Istidhān* of Mālik b. Anas (d. 179/796), *al-Muwaṭṭaʾ* (Cairo, 2007), p. 567. According to al-Wāqidī (d. 207/822), cited by al-Ṭabarī, this *ḥadīth* was quoted, in a slightly different version, commanding, unsurprisingly, also obedience in the speech delivered by al-Walīd b. ʿAbd al-Malik (r. 86/705–96/715) when he assumed the role of caliph. See al-Ṭabarī, *Taʾrīkh al-rusul wa-l-mulūk = Annales*, M. I. de Goeje *cum aliis* (Secunda Series), p. 1178. For an English translation, see M. Hinds (trans.), *The History of al-Ṭabarī: Volume XXIII: The Zenith of the Marwānid House* (Albany, 1990), pp. 125–6.

fathers and rulers. This direct link between God and the ruler (evident in ancient, antique, as well as many medieval societies) was explicit in the title used by the Umayyad leaders of the Muslim community: *khalīfat Allāh*.[38]

It is also evident that, according to Islamic political thought, one of the principal functions of the ruler is to secure society against *fitna* (trial, temptation, discord and revolt[39])[40] and that one of the main functions of the Devil is to incite it.[41] We also know of cases where authorities burned heretics, thus imitating and projecting God's punishment, even in one instance where it was explicitly prohibited by a *ḥadīth*.[42]

38. On the use and meaning of this title, see the fundamental study by P. Crone and M. Hinds, *God's Caliph* (Cambridge, 1986).
39. The term has several meanings, see E. W. Lane, *Arabic–English Lexicon*, pp. 2335–6.
40. See, for example, this passage attributed to Abū Ḥāmid Muḥammad b. Muḥammad al-Ghazālī:

    > […] in these days men are shameless, mannerless and merciless and if, God forbid, the sultan in their midst should be weak or powerless, the world will undoubtedly become ruined and religion and the world will suffer injury and damage: the tyranny of a sultan for a hundred years causes less damage than one year's tyranny exercised by the subjects against one another. When the subjects indulge in tyranny, God most High will appoint over them a forceful and violent sultan.

    See A. K. S. Lambton, *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: The Jurists* (Oxford, 1981), p. 124, translated from al-Ghazālī, *Naṣīḥat al-mulūk*, ed. J. Humāʾī (Tehran, [1351 *shamsī*] 1972), pp. 131–2. For another translation, see F. R. C. Bagley (trans.), *Ghazālī's Book of Counsel for Kings* (London, 1964), pp. 76–7. Both Bagley and Lambton translated this message accepting its attribution to Muḥammad al-Ghazālī, but P. Crone, 'Did al-Ghazālī write a mirror for princes?', *Jerusalem Studies in Arabic and Islam* 10 (1987), pp. 167–91 argued that though the first part of the book was in fact written by Ghazālī, the second part that includes the above quoted sentence is the work of an anonymous author, probably a Persian *kātib*, who was one of al-Ghaẓālī's contemporaries or lived shortly after him.
41. Awn, *Satan's Tragedy and Redemption*, pp. 53–4.
42. According to a *ḥadīth*, Muḥammad, the prophet of Islam, intended to use this form of punishment before he announced that only God punishes by fire; see M. M. Khan (trans.), *The Translation of the Meanings of Sahîh al-Bukhâri, Arabic-English* (9 vols) (Riyadh, 1997), 4, pp. 129–30, Chapter 107/2954 and p. 159, Chapter 149/3016 (see also p. 161, Chapter 153/3019). According to another *ḥadīth*, ʿAlī, Muḥammad's cousin and brother-in-law, who is considered the fourth rightly guided caliph by the Sunnīs and the only legitimate caliph by the Shīʿīs, did, indeed, apply this form of punishment; see Khan (trans.), *The Translation of the Meanings of Sahîh al-Bukhâri, Arabic-English*, p. 159, Chapter 149/3017 (all the three *ḥadīth*s are available at: http://sunnah.com/bukhari/56 (accessed 1 June 2014). See also W. Hallaq, 'Apostasy', in *Encyclopaedia of the Qurʾān*, 1, p. 122; M. Chokr, *Zandaqa et zindiqs en islam au second siècle de l'hégire* (Damascus, 1993), p. 22. For other cases of the use of burning as punishment, see G. Hawting, 'The

The absolute authority of the ruler was not regarded as illegitimate at all.[43] What was, then, the difference between an absolute ruler and a tyrant, symbolised in the Qurʾān by the Pharaoh?[44] A just ruler behaves like God, but respects God, while the unjust ruler acts without recognising any authority superior to his. Since God is the (al)mighty symbol of social consensus, reckoned frameworks and rules, the godless ruler is one who breaks these rules.

Religion is the conscience of society, and God is the supreme seal of the 'social contract' written by the men of religion: first the prophets and following them the *ʿulamāʾ*. These *ʿulamāʾ*, learned men, built up the all-inclusive construction of the *sharīʿa*, on the basis of the 'constitution' given by the revelation. While Muḥammad was generally recognised by his followers as God's prophet and the supreme ruler, the inevitable disputes over his succession led in the long term to the natural separation of the community's spiritual and practical

case of Jaʿd b. Dirham and the punishment of "heretics" in the early caliphate', in *Public Violence in Islamic Societies: Power, Discipline, and the Construction of the Public Sphere, 7th–19th Centuries CE*, eds C. Lange and M. Fierro (Edinburgh, 2009), p. 36 with the references on p. 41, and the section 'Burning as punishment in Islamic history' of C. Lange, 'Where on Earth is hell? State punishment and eschatology in the Islamic Middle Period', in the same volume, pp. 164–6, 176, n. 63 for a list of scholarly works dealing with the topic. See also Andrew Marsham's chapter in the present volume. An atrocious example is the story of Ibn al-Muqaffaʿ's secret execution by Sufyān b. Muʿāwiya b. Yazīd b. al-Muhallab, the governor of Baṣra. See al-Jahshiyārī (d. 331/942), *Kitāb al-Wuzarāʾ wa-l-kuttāb*, eds M. al-Saqqā, I. al-Ibyārī and ʿA. al-Ḥ. Shalabī (Cairo, [1357] 1938), pp. 106–7. See especially this last sentence:

والله يابن الزنديقة لأُحرقنّك بنار الدنيا قبل نار اللآخرة.

By God, oh son of the *zindīq* woman, I will burn you with the fire of this world before the fire of the other world!

A less detailed version of the same story is reported by al-Balādhurī, *Ansāb al-ashrāf* (vol. 3), ed. ʿA. ʿA. ad-Dūrī (Wiesbaden, 1978), 3, p. 222.

43. On the evolution of the concept of the ruler and his power in early and classical Islam, see P. Crone, *Medieval Islamic Political Thought* (Edinburgh, 2004), published in the US with the title: *God's Rule: Government and Islam: Six Centuries of Medieval Political Thought* (New York, 2004).
44. Q 7:123–8, 20:71–9, 26:29, 28:38–43, 40:28–33, 43:49–56 and 44:30–1. See also R. Firestone, 'Pharaoh', in *Encyclopaedia of the Qurʾān*, 4, pp. 66–8; H. Busse, 'Nimrod', in *Encyclopaedia of the Qurʾān*, 3, pp. 539–40. On the link between the figure of Iblīs and that of the Pharaoh, see R. Tottoli, 'Il Faraone nelle tradizioni islamiche: alcune note in margine alla questione della sua conversione', *Quaderni di Studi Arabi* 14 (1996), pp. 19–30, especially p. 23; N. Abu Zayd, 'Arrogance', in *Encyclopaedia of the Qurʾān*, 1, pp. 158–61; L. Kinberg, 'Insolence and obstinacy', in *Encyclopaedia of the Qurʾān*, 2, pp. 541–3.

leadership. In spite of loud claims from both sides, intellectuals are rarely the best rulers, and rulers are rarely the best intellectuals.[45]

While God has been imitated by fathers and rulers, the Qurʾān itself makes it clear that the *shayāṭīn* (satans) can be also human beings.[46] As God punishes Satan, fathers punish their revolting sons and daughters, husbands their wives (Q4:34), the believers the unbelievers[47] and the rulers the rebels. These patterns are implicit in Islam and they did not have to be spelled out in order to be active. The Qurʾān was learnt by heart by generations of Muslims. Heard, read and recited daily, its symbols profoundly affected their minds and influenced their acts, even without conscientious reference to them.

CONCLUSION

Intelligent social animals such as humans have a tendency towards empathy for the harmed and an awareness of the danger of vengeance by them.[48] Thus, violence due to self-interest is usually considered evil. It can be justified, however, as self-defence or as a very act of empathy (for the defence of the harmed) or of revenge (against the harmer). According to the Bible and the Qurʾān, the violence applied by God is just and good. Thus, all who have been claiming to apply violence in the way of God[49] could sanctify their violent acts against those whom they judged to be deviators from His way. Both the establishment and the anti-establishment, rulers and revolutionaries fought in the name of God, and they often equated their enemies with the party of the Devil (the enemy of God). How and why this ideological violence was stirred or tempered in different conditions is an overarching topic of the *Violence of Islamic Thought* series and, predictably, it will be researched and discussed further for a long time.

45. See, for instance, I. T. Kristó-Nagy, 'Who shall educate whom? The official and the sincere views of Ibn al-Muqaffaᶜ about intellectual hierarchy', in *Synoptikos. Mélanges offerts à Dominique Urvoy*, eds N. Koulayan and M. Sayah (Toulouse, 2011), pp. 279–93; Kristó-Nagy, *La pensée d'Ibn al-Muqaffaᶜ*. I aim to investigate this topic further in a future study on intellectuals, artists and men of power.
46. Q 6:112. There are *ḥadīth*s and other textual sources describing the Devil as taking a human form. See Awn, *Satan's Tragedy and Redemption*, pp. 48–9; Allouche, 'Between the pure milk and the froth', pp. 188–92.
47. See J. Butler, 'Reading Satan, remembering the other', *Numen* 58 (2011), pp. 157–87.
48. See above, the chapter 'Our inherent heritage', pp. 4–5.
49. See Q 2:190, 218, 244, 246, 3:13, 167, 4:74, 75, 76, 84, 94, 95, 5:54, 8:72, 74, 9:19, 20, 38, 41, 81, 111, 120, 49:15, 61:11 and 73:20; see also 2:154, 3:146, 157, 169, 22:58 and 47:4. See also the chapters by Andrew Rippin and Christopher Melchert in this volume.

CHAPTER

7

ATTITUDES TO THE USE OF FIRE IN EXECUTIONS IN LATE ANTIQUITY AND EARLY ISLAM: THE BURNING OF HERETICS AND REBELS IN LATE UMAYYAD IRAQ

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INTRODUCTION

Capital punishment can be understood as simultaneously an exercise of actual power – the ending of a human life – and an exertion of symbolic, or ritual, power.[1] In this combination of symbolic transformation with real physical

* University of Edinburgh. I would like to thank Robert Gleave and István Kristó-Nagy for the invitation to the LIVIT conference, and fellow participants for comments and criticism. I would also like to thank Conrad Leyser and Neil McLynn for the invitation to give the same paper in Oxford, and the participants there for their response. None of the above should be held responsible for errors that remain in what follows.

1. There is extensive literature on the symbolic and ritual dimensions of capital punishment, particularly in medieval and early modern Europe, including M. Foucault, *Surveiller et punir: naissance de la prison* (Paris, 1975), especially pp. 9–72; Michel Bée, 'Le spectacle de l'exécution dans la France d'Ancien Régime', *Annales. Économies, Sociétés, Civilisations* 38.4 (1983), pp. 843–62; Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford, 1987); M. B. Merback, *The Thief, the Cross, and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (Chicago, 1999). Less has been written about its symbolic and ritual aspects in the Islamic world, but see O. Spies, 'Über die Kreuzigung im Islam', in *Religion und Religionen: Festschrift für Gustav Mansching*, ed. R. Thomas (Bonn, 1967), pp. 143–56; Joel L. Kraemer, 'Apostates, rebels and brigands', *Israel Oriental Studies* 10 (1980), pp. 35–73; Manfred Ullmann, *Das Motiv der Kreuzigung in der arabischen Poesie des Mittelalters* (Wiesbaden, 1995); Christian Lange and Maribel Fierro (eds), *Public Violence in Islamic Societies: Power, Discipline, and the Construction of the Public Sphere, 7th–19th Centuries* CE (Edinburgh, 2009); C. Lange, 'Capital punishment', in *EI3*; Andrew Marsham, 'Public execution in the Umayyad period: early Islamic punitive practice and its late antique context', *Journal of Arabic and Islamic Studies* 11 (2011), pp. 101–36.

change, executions are unusual rituals. But the use of extreme violence against the human body certainly does have ritual characteristics, in that it has established rules (which may, of course, be deliberately challenged or broken) and in that these rules are used to make the drastic transformation in the status of the executed party seem legitimate and proper, to reassert more general ideas about the correct social order and to communicate threats and warnings to others who might seek to upset it. The victim of the execution is quite literally marked out as beyond reintegration into society. Their body becomes a kind of text, which can be read in a multitude of ways: the authorities carrying out the killing usually have one set of messages in mind, but the victim themselves, and those who witness or remember the act, may have very different ideas.

This ritual character of public executions poses interpretive problems. Philippe Buc has reminded medievalists that accounts of all rituals in narrative sources present particular challenges because of the polemical purposes to which they are put.[2] This problem is acute for the Umayyad period of Islamic history (661–750 CE). Documentary sources for many aspects of Umayyad political culture, including capital punishment, are scarce. Furthermore, the literary accounts of events were composed after the ᶜAbbāsid Revolution, which brought the ᶜAbbāsid dynasty (r. 750–1258) to power in a violent rebellion against Umayyad rule. The ᶜAbbāsid period then witnessed the ongoing evolution of Islamic religious thought and practice, including the formation of some of the main features of classical Islam. Hence, the sources may manifest religious, legal and political ideas quite different from those that prevailed in Umayyad times.[3]

Four unusual episodes from the end of the Umayyad period suggest that, although Buc's warning is well founded, sensitivity to the concerns of the sources means that they gain in their potential as sources. During the seven years between 737 and 743 CE (AH 119–25), the Arabic historical tradition records

Sean W. Anthony, *Crucifixion and Death as Spectacle: Umayyad Crucifixion in its Late Antique Context* (New Haven, 2014) appeared too late for inclusion here. Note especially p. 58 and n. 84 on the burning of corpses.

2. Philippe Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, 2001). Cf. Geoffrey Koziol, 'Review article: the dangers of polemic: is ritual still an interesting topic of historical study?' *Early Medieval Europe* 11.4 (2002), pp. 367–88.
3. For a succinct statement of the problem, see Patricia Crone, *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge, 1980), pp. 1–18. Three recent monographs that address the formation of the earliest Islamic historical tradition are Fred M. Donner, *Narratives of Islamic Origins: The Beginning of Islamic Historical Writing* (Princeton, 1998); Tayeb El-Hibri, *Parable and Politics in Early Islamic History: The Rashidun Caliphs* (New York, 2010); Antoine Borrut, *Entre memoire et pouvoir: l'espace Syrien sous les derniers Omeyyades et les premiers Abbassides (72–193/692–809)* (Leiden, 2011).

four occasions where the Umayyad authorities are said – in some variants of the material at least – to have used fire during executions, either as a means of killing (immolation) or as a means of destroying the corpse (cremation). Although there are a number of other accounts of killings involving fire during the first century or so of Islam, located in various regions of the caliphate,[4] these four episodes are particularly notable for their geographical and chronological proximity: all occurred within a span of seven years and all are associated with Iraq. Furthermore, whereas most executions merit only a sentence or two in the sources, these killings are recorded in some detail.

This elaboration appears, in very general terms, to be a consequence of the teleological importance the killings assumed in ᶜAbbāsid times: the executions were part of the Umayyads' response to the rising tide of unrest in the region that presaged the ᶜAbbāsid Revolution; then, because they formed the prelude to this revolution, reasons for remembering them remained live in subsequent decades.

4. Other killings by the Umayyad authorities said to have involved fire include: the burning of ᶜAlī's defeated governor of Egypt, Muḥammad b. Abī Bakr, in 38/658–9 (Abū Jaᶜfar Muḥammad b. Jarīr al-Ṭabarī, *Taᵓrīkh al-rusul wa-l-mulūk*, ed. M. J. de Geoje et al. (Leiden, 1879–1901), 1, p. 3406 (Abū Mikhnaf)); the burning of Ibrāhīm b. al-Ashtar, one of Muṣᶜab b. al-Zubayr's supporters, in Iraq in 72/691 (Abū al-Ḥasan ᶜAlī b. al-Ḥusayn al-Masᶜūdī, *Les praires d'or*, eds and trans. C. Barbier de Meynard and Pavet de Courteille (Paris, 1871–77), 5, pp. 245–6; 'Ibrāhīm b. al-Ashtar', in *EI2*); the burning of a group of Armenian notables, who had been tricked into assembling in a church by Marwān b. Muḥammad in *c*. 693 (Aḥmad b. Yaᶜqūb al-Yaᶜqūbī, *Taᵓrīkh*, ed. M. Th. Houtsma (Leiden, 1883), pp. 324–5; Abū Muḥammad b. al-Aᶜtham al-Kūfī, *Kitāb al-Futūḥ* (Hyderabad, 1975), 6, p. 295); and the burnings carried out in the Ḥijāz by al-Walīd b. ᶜUrwa in revenge for the killing of his uncle in 131/748–9 (al-Ṭabarī, *Taᵓrīkh*, 3, p. 3). Besides the Umayyads, the use of fire is also attributed to various Companions, including Abū Bakr (al-Ṭabarī, *Taᵓrīkh*, 1, pp. 1903–4; Shihāb al-Dīn Aḥmad al-Nuwayrī, *Nihāyat al-ᶜarab fī funūn al-adab*, ed. Saᶜīd ᶜAbd al-Fattāḥ ᶜAshūr (Cairo: Maktabat al-ᶜarabiyya, 1964), 2, p. 221; Kraemer, 'Apostates, rebels and brigands', p. 45, n. 39) and ᶜAlī (Shihāb al-Dīn b. Ḥajar al-ᶜAsqalānī, *Fatḥ al-bārī sharḥ ṣaḥīḥ al-Bukhārī* (Beirut: Dār iḥyāᵓ turāth al-ᶜarabī, 1973 (reprint of Būlāq [1301] 1883–4]), 12, p. 236 (*Bāb ḥukm al-murtadd wa-l-murtadda*)). In the next generation, al-Ḥasan b. ᶜAlī (al-Masᶜūdī, *Murūj*, 5, pp. 245–6), ᶜAbd Allāh b. al-Zubayr (al-Nuwayrī, *Nihāyat al-ᶜarab*, 2, p. 221) and al-Mukhtār (al-Ṭabarī, *Taᵓrīkh*, 2, pp. 667–79) are all also associated with burnings. One of ᶜAlī's allies, Jāriya b. Qudāma, was known as *al-muḥarriq* for his burning of an Umayyad client and his supporters during the *fitna* (W. Madelung, *The Succession to Muḥammad* (Cambridge, 1997), p. 283). In the case of the accounts of the burnings carried out by ᶜAlī, it has been suggested that at least some of these belong to a mid-eighth-century milieu, where moderate Shīᶜīs sought to represent ᶜAlī as a suppressor of extremists: Israel Friedlander, '"ᶜAbdallāh b. Sabaᵓ der Begründer der Šīᶜa und sein jüdischer Ursprung', *Zeitschrift für Assyriologie* xxiii (1909), pp. 316–18; William F. Tucker, *Mahdis and Millenarians: Shīᶜite Extremists in Early Muslim Iraq* (Cambridge, 2008), p. 13.

In the words of Maribel Fierro, these memories are 'the narratives employed in Islamic literature to portray the violent ends and beginnings of new dynasties'.[5] That is, these accounts should be treated as literary artefacts that have been shaped by the ideas of those who composed them and also by the expectations of the audiences for whom they wrote: besides their specific revolutionary context, the traditions of martyrology in late antique monotheism in general, and in the evolving Shīᶜī tradition in particular, as well as prevalent ideas about fire as a particularly severe, and even unjustified, punishment are especially relevant. Nonetheless, once the circumstances of the transmission of these accounts are understood, it can be shown that they probably do provide glimpses of Umayyad responses to specific ideological challenges to their power in the eastern caliphate during a period – aptly described by Thomas Sizgorich as 'Islamic late antiquity' – when the symbolism of execution had yet to assume its classical features.[6]

EXECUTIONS WITH FIRE IN LATE UMAYYAD IRAQ

The main accounts of the four episodes are summarised below. (In line with most practice elsewhere, 'crucifixion' is given as the literal translation of the Arabic *ṣalb*, which refers to any public exposure of a criminal, either in order to kill them or, more usually, after their decapitation.)[7]

1. In 119/737, the proto-Shīᶜī, al-Mughīra b. Saᶜīd (or Saᶜd),[8] rebelled

5. Maribel Fierro, 'Emulating Abraham: the Fāṭimid al-Qāʾim and the Umayyad ᶜAbd al-Raḥmān III', in Lange and Fierro, *Public Violence*, p. 149. See also, Chase F. Robinson, 'The violence of the Abbasid Revolution', in *Living Islamic History: Studies in Honour of Professor Carole Hillenbrand*, ed. Y. Suleiman (Edinburgh, 2010), pp. 226–51.
6. Thomas Sizgorich, 'Narrative and community in Islamic late antiquity', *Past and Present* 185 (2004), pp. 9–42. On pre-classical justifications for execution, see Gerald Hawting, 'The case of Jaᶜd b. Dirham and the punishment of "heretics" in the early caliphate', in Lange and Fierro, *Public Violence*, pp. 35–7; Marsham, 'Public execution', especially pp. 113–16, 121–3. These early Islamic ideas may be related to the Judaic tradition that certain serious crimes, such as sexual offences and murder, 'violate God's Covenant' and 'pollute the land': Numbers 35:34; Tikvah Frymer-Kensky, 'Pollution, purification and purgation in Biblical Israel', in *The Word of God Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of his Sixtieth Birthday*, eds C. Meyers and M. O'Connor (Winona Lake, 1983), pp. 399–414; Tikvah Frymer-Kensky, 'Israel', in *A History of Ancient Near Eastern Law*, ed. Raymond Westbrook (Leiden, 2003), 2, pp. 1028–9.
7. On crucifixion, see Kraemer, 'Apostates, rebels, and brigands', p. 67, n. 129; F. E. Vogel, 'Ṣalb', in *EI2*; Marsham, 'Public execution'.
8. Variously, al-ᶜIjlī (perhaps confusing him with Abū Mansūr al-ᶜIjlī, executed at about the same time) or a *mawlā* of Bājila or specifically *mawlā* of Khālid al-Qasrī (a member of the Banū Bājila): Tucker, *Mahdis and Millenarians*, p. 53. On Abū Mansūr al-ᶜIjlī, see Tucker, *Mahdis and Millenarians*, pp. 71–87.

and was arrested and executed by Khālid b. ʿAbd Allāh al-Qasrī, the Umayyad governor of Iraq (r. *c.* 105–20/*c.* 724–38). In most accounts, another proto-Shīʿī, Bayān b. Samʿān,[9] is said to have been executed alongside al-Mughīra. A number of sources represent Khālid as particularly afraid of al-Mughīra and his followers, despite their small numbers.[10]

Both al-Mughīra and Bayān are remembered in the later heresiographical literature as extremist Shīʿīs (*ghulāt*): they claimed prophecy, practised sorcery, believed in anthropomorphism, the transmigration of souls and the divinity of ʿAlī and his relatives.[11] That the Aramaean Iraqi religious milieu contributed to their syncretic beliefs seems likely, although how far the heresiography accurately reflects their ideas is not clear.[12]

In some accounts, Khālid is simply said to have 'killed and crucified' al-Mughīra (*qatalahu wa-ṣallabahu*);[13] some variants specify the place of execution as Wāsiṭ.[14]

However, in other accounts, both al-Mughīra and Bayān were executed by immolation.[15] In a longer version of this report, which is found in al-Ṭabarī's *Taʾrīkh* (with an *isnād* from the Basran traditionist ʿUmar b. Shabba (d. 876) going back to a *mawlā* of the wealthy Kufan notable ʿAmr b. Ḥurayth), first al-Mughīra, then his followers and finally Bayān were tied to bundles of reeds; both they and the reeds were covered in naphtha (*naft*) and burned. Khālid presided over the event from his throne (*sarīr*) in the congregational mosque. While

9. Variously, al-Tamīmī or al-Nahdī: Shahrastani, *Livre des religions et des sects*, trans. D. Gimaret and G. Monnot (Leuven, 1986), p. 450, n. 85; Tucker, *Mahdis and Millenarians*, pp. 34–5.
10. Aḥmad b. Yaḥyā al-Balādhurī, *Ansāb al-ashrāf*, ed. K. Athamina (Jerusalem, 1993), 6b, p. 181 and n. 2 (with further references); Abū al-Faraj al-Iṣfahānī, *Kitāb al-Aghānī*, eds Maḥmūd Abū al-Faḍl Ibrāhīm et al. (Cairo, 1970), 22, pp. 12–13 (= Būlāq, 29, p. 58).
11. Shahrastani, *Livre des religions*, pp. 450–2, 515–18.
12. Steven Wasserstrom, 'The moving finger writes: Mughīra ibn Saʿīd's Islamic Gnosis and the myths of its rejection', *History of Religions* 25 (1985), pp. 1–29; Tucker, *Mahdis and Millenarians*, pp. 34–70. However, cf. Tamima Bayhom-Daou, 'The second-century Šīʿite *Ġulāt*: were they really gnostic?' *Journal of Arabic and Islamic Studies* 5.2 (2003), pp. 13–61, where specifically gnostic influence is rejected.
13. al-Balādhurī, *Ansāb*, 6b, p. 181 (*qālū*); al-Ṭabarī, *Taʾrīkh*, 2, pp. 1619–20 (Abū Nuʿaym al-Kūfī); Anonymous, *Kitāb al-ʿUyūn wa-l-ḥadāʾiq wa-l-akhbār al-ḥaqāʾiq*, eds M. J. de Geoje and P. de Jong (Leiden, 1869), pp. 230–1.
14. Abū Muḥammad ʿAbd Allāh b. Muslim Ibn Qutayba, *al-Maʿārif*, ed. S. Okacha (Paris, 1960), p. 623; Ibn Qutayba, *ʿUyūn al-akhbār*, ed. Yūsuf ʿAlī Ṭawīl (Beirut, 1986), 2, p. 164.
15. al-Balādhurī, *Ansāb*, 6b, p. 181 (*qīla*); al-Ṭabarī, *Taʾrīkh*, 2, pp. 1619–20 (Abū Nuʿaym al-Kūfī; Abū Zayd [ʿUmar b. Shabbah]); Abū Muḥammad ʿAlī b. Aḥmad b. Ḥazm, 'The heterodoxies of the Shīʿites in the presentation of Ibn Ḥazm', trans. I. Friedlander, *Journal of the American Oriental Society* 28 (1907), p. 60.

al-Mughīra is said to have sought to flee his burning, Bayān is remembered as having gone willingly to his death.[16]

2. In 119/737, a Khārijite, Wazīr al-Sakhtiyānī, also rebelled and was executed by immolation; again, bundles of reeds and naphtha were used.

There are two accounts of this event, which share most features: one is in al-Balādhurī's *Ansāb*, on the authority of 'al-Madāʾinī (d. *c*. 843) and others';[17] the other is in al-Ṭabarī's *Taʾrīkh*, on the authority of the Basran philologist and alleged Khārijite, Abū ʿUbayda Maʿmar b. al-Muthannā (d. *c.* 825).[18]

In al-Balādhurī's version, Wazīr had taken control of Kufa during Khālid's absence at al-Ḥīra; in al-Ṭabarī's version, Wazīr rebelled at al-Ḥīra. After Wazīr had been captured, Khālid began to find his erudition and piety comforting. The caliph Hishām (r. 105–25/724–43) then wrote to Khālid demanding that he execute his prisoner, which, after some pressure from Hishām, he did, along with some of his followers. Hishām specifies that Wazīr should be 'burned' (al-Balādhurī) or 'killed and burned' (al-Ṭabarī). In al-Ṭabarī's version, the immolation is located in the courtyard of the congregational mosque. In both accounts, Wazīr recites from the Qurʾān at his death.

3. In 122/740, the Alid rebel against the Umayyads, Zayd b. ʿAlī, was killed and then crucified at Kufa by the governor of Iraq, Yūsuf b. ʿUmar (r. 120–5/738–44). There are at least four main versions of Zayd's crucifixion:

a. Zayd was paraded on a camel and then crucified at the animal market and poets' fair, al-Kunāsa, just outside Kufa. This account is found in al-Balādhurī's *Ansāb* with an *isnād* going back to ʿAwāna (d. 770), the former lieutenant of Asad al-Qasrī, and in al-Iṣfahānī's *Maqātil*. Similar material is also found in al-Dīnawarī's *Akhbār*.[19]

16. al-Ṭabarī, *Taʾrīkh*, 2, p. 1620 (Abū Zayd [ʿUmar b. Shabbah] – Abū Bakr [ʿAbd Allāh] b. Ḥafṣ al-Zuhrī [al-Madanī] – Muḥammad b. ʿUqayl – Saʿīd b. Mardābband, *mawlā* of ʿAmr b. Ḥurayth [b. ʿAmr al-Makhzūmī]). On the *isnād*, see al-Ṭabarī, *The History of al-Ṭabarī: Volume XXV: The End of Expansion*, trans. K. Y. Blankinship (Albany, 1989), n. 1, 553, 554, with references.
17. al-Balādhurī, *Ansāb*, 6b, p. 103.
18. al-Ṭabarī, *Taʾrīkh*, 2, pp. 1628–9. On Abū ʿUbayda, see R. Weipert, 'Abū ʿUbayda', in *EI3*.
19. Aḥmad b. Yaḥyā al-Balādhurī, *Ansāb al-ashrāf*, ed. Maḥmūd al-Fardūs al-ʿAẓm (Damascus, 1997–2004 , hereon abbreviated to *Ansāb al-ashrāf*), 2, p. 536 (al-ʿUmarī – al-Haytham [b. ʿAdī] – ʿAwāna); Abū al-Faraj al-Iṣfahānī, *Maqātil al-Ṭālibiyyīn*, ed. al-Sayyid Aḥmad Ṣaqr (Cairo, 1949), p. 143 (Hishām – perhaps Hishām b. al-Kalbī (d. 819 or 821) – Naṣr b. Qābūs). Cf. Abū Ḥanīfa Aḥmad al-Dīnawarī, *Akhbār al-ṭiwāl*, ed. V. Guirgass (Leiden, 1888), p. 345. An abbreviated version is found in Ibn Qutayba, *al-Maʿārif*, p. 216.

b. In al-Yaᶜqūbī's *Taʾrīkh*, Zayd was killed and his corpse carried into Kufa on a donkey. His head was displayed on a pole and then the two parts were reunited and burned and the ashes scattered, half in the Euphrates and half in the fields.[20] References to the display of the head on a pole at Damascus and Medina respectively are found in al-Balādhurī's *Ansāb* and al-Ṭabarī's *Taʾrīkh*.[21]

c. In a third variant, given by al-Iṣfahānī, also on the authority of Abū Mikhnaf, Zayd was crucified and later removed from the gibbet and burned; his ashes were scattered in the Euphrates on the orders of the caliph al-Walīd b. Yazīd (al-Walīd II, r. 125–6/743–4).[22] Similar accounts are given without *isnād*s in al-Balādhūrī's *Ansāb* and al-Ṭabarī's *Taʾrīkh*.[23]

d. A fourth version is found in al-Ṭabarī's *Taʾrīkh*;[24] related material is also found in al-Masᶜūdī's *Murūj al-dhahab*.[25] Here, Zayd's body was buried by his supporters, before then being exhumed and crucified, under guard, on the orders of Yūsuf b. ᶜUmar; in al-Masᶜūdī's version, Zayd's exhumed corpse was burned and scattered to the winds on the orders of Hishām.

4. According to reports cited by al-Balādhurī, al-Masᶜūdī and al-Iṣfahānī, Zayd's son, Yaḥyā b. Zayd, was crucified on an arch or gate at al-Juzjān in Afghanistan, after the defeat of his rebellion in 125/743.[26] His head was sent to al-Walīd b. Yazīd.[27] According to al-Masᶜūdī, Abū Muslim presided over the burial of the corpse after the revolution of 129/747; he also describes the annual commemoration of Zayd's martyrdom in Khurasan.[28]

In another account, found in al-Ṭabarī's *Taʾrīkh* on the authority of Hishām al-Kalbī (d. 819 or 821), Yaḥyā was killed, beheaded and crucified. Then his corpse was taken down and burned and, on the orders of al-Walīd, Yūsuf b. ᶜUmar scattered the ash into the Euphrates (sic) from a boat.[29]

20. al-Yaᶜqūbī, *Taʾrīkh*, 2, p. 391.
21. al-Balādhurī, *Ansāb al-ashrāf*, 2, p. 522 (al-Madāʾinī); al-Ṭabarī, *Taʾrīkh*, 2, p. 1714–15 (a man from the Anṣār). Cf. al-Ṭabarī, *Taʾrīkh*, 2, p. 1713, where the head is displayed first at Damascus and then in Medina.
22. al-Iṣfahānī, *Maqātil*, pp. 143–4 (Abū Mikhnaf – Mūsā b. Abī Ḥabīb).
23. al-Balādhurī, *Ansāb al-ashrāf*, 2, p. 539 (*qālū*; *yuqālu*); al-Ṭabarī, *Taʾrīkh*, 2, p. 1713 (*qīla*).
24. al-Ṭabarī, *Taʾrīkh*, 2, pp. 1711–13, 1715 (*qīla*).
25. al-Masᶜūdī, *Murūj*, 5, pp. 470–1.
26. al-Balādhurī, *Ansāb al-ashrāf*, 2, p. 546 (Muḥammad b. al-Aᶜrābī); al-Iṣfahānī, *Maqātil*, p. 158; cf. al-Masᶜūdī, *Murūj*, 6, pp. 2–3.
27. al-Balādhurī, *Ansāb al-ashrāf*, 2, pp. 546–7 (Abū Masᶜūd al-Kūfī); cf. al-Iṣfahānī, *Maqātil*, p. 158 (ᶜUmar b. ᶜAbd al-Ghaffār from his father); al-Masᶜūdī, *Murūj*, 6, p. 3.
28. al-Balādhurī, *Ansāb al-ashrāf*, 2, p. 546; cf. al-Masᶜūdī, *Murūj*, 6, pp. 2–3.
29. al-Ṭabarī, *Taʾrīkh*, ii, p. 1774 (Hishām b. al-Kalbī – Mūsā b. [Abī?] Ḥabīb). See further below, n. 33.

Al-Yaʿqūbī's *Taʾrīkh* simply has Yaḥyā beheaded and his companions killed at al-Jūzjān.[30]

Except for the case of Wazīr ('2'), there is no agreement about how the executions took place. For each report where fire is used in the execution, either for the purposes of immolation or cremation, there is another, usually shorter, report where there is no mention of fire, and 'crucifixion' is stated as the means of execution. (Such 'crucifixions' came to be a standard means of executing heretics, bandits and apostates in later, classical Islamic thought and practice, where they were explicitly connected to the so-called *ḥirāba* verse of the Qurʾān [Q 5.33].[31])

Furthermore, as is often the case in early Islamic historiography, certain motifs and narrative structures appear to have been transferred between the various accounts.[32] There are three shared features in the account of the killing of al-Mughīra and Bayān ('1') and of Wazīr ('2'):

i. both led groups of rebels against Khālid, the Umayyad governor of Iraq, and both were in some sense heretical (al-Mughīra and Bayān were remembered as heretical Shīʿīs and accused of sorcery; Wazīr was a 'Khārijite');
ii. both the leaders and their supporters were burned at the mosque, with reeds and naphtha; and
iii. their conduct in their final moments, and that of their followers, is recorded in the tradition.

In the cases of Zayd ('3') and Yaḥyā ('4'), material originally relating to Zayd's death in Iraq appears to have been transferred to Yaḥyā's death in Khurasan (hence the bizarre reference to the scattering of Yaḥyā's ashes in the Euphrates).[33] Here, the three common elements are:

i. both Zayd and his son Yaḥyā were rebels from within the ʿAlid family, who sought the caliphate in opposition to the Umayyads;
ii. both are said to have been beheaded and crucified; subsequently, their corpses were burned and scattered in the river; and

30. al-Yaʿqūbī, *Taʾrīkh*, 2, p. 398. Cf. Ibn Qutayba, *al-Maʿārif*, p. 216.
31. See above, n. 7.
32. A phenomenon across the tradition, discussed in detail by Albrecht Noth and Lawrence I. Conrad, *The Early Arabic Historical Tradition: A Source-Critical Study* (Princeton, 1994).
33. It is notable that al-Ṭabarī's confused account from Ibn al-Kalbī derives from one Mūsā b. Ḥabīb, presumably to be identified with Abū Mikhnaf's informant about the burning of the corpse of Yaḥyā's father, Zayd: al-Ṭabarī, *Taʾrīkh*, 2, p. 1774; cf. al-Iṣfahānī, *Maqātil*, p. 143.

iii. the intervention of the caliph al-Walīd (paralleling Hishām's intervention in the execution of Wazīr in '2', noted above).

Finally, reports relating to three of the four episodes describe the direct intervention of the caliph – either Hishām or al-Walīd II – in the method of execution ('2', '3c', '4').

These shared motifs reflect shared literary purposes. At the same time, it seems likely that these narratives also reflect punitive practice in late Umayyad Iraq. This interpretation is founded upon three main approaches to the evidence. First, Umayyad era penalties should be considered in the light of pre-Islamic attitudes and practice in the Middle East, as well as in the context of later, classical Islamic ideas and practice. Second, the accounts of these killings should be read in the context of the much wider late antique monotheist martyrological tradition (with somewhat different implications for the accounts of Wazīr, on the one hand, and Zayd and Yaḥyā, on the other). Finally, the immolations of al-Mughīra, Bayān and Wazīr share some important features with traditions about another unusual execution carried out by Khālid – that of the heretic Jaʿd b. Dirham. In what follows, these approaches to the material are taken in turn.

Fire as an extreme penalty in late antiquity and early Islam

One of the main reasons for thinking that immolations and cremations may indeed have taken place in Umayyad times is the use of such penalties in the pre-Islamic Middle East. Furthermore, the continued use of fire in executions during the later, classical period of Islam supports a case for continuity from pre-Islamic to classical Islamic times. These same continuities in practice also furnish insight into continuities of attitude and symbolic meaning.

Executions involving fire had a very long pre-Islamic heritage in the region.[34] As might be expected, given the sacred status of fire in Zoroastrian religion, fire does not seem to have been used as a means of execution in a Zoroastrian context,[35] although trial by fire does occur in Iranian mythology and ancient Iranian practice.[36] Rather, the precedents for fire in judicial killing are to be

34. Marsham, 'Public executions', p. 117, with references (examples from ancient Egypt and Assyria).
35. As observed by Hawting, 'Jaʿd b. Dirham', p. 36.
36. I am grateful to Majied Robinson for this point. See further, M. Boyce, 'Atāš', *Encyclopaedia Iranica*. Available at: http://www.iranicaonline.org/articles/atas-fire (accessed 1 June 2014).

found in Jewish and Roman law and in narratives about penal practice from the pre-Islamic Judeo-Christian Middle East. As with other early Islamic forms of capital punishment, both the methods of execution and the contexts within which they were used tend to recall pre-Islamic Middle Eastern precedents.[37]

In ancient Judaism, fire was associated with purification.[38] Execution by fire seems to have been associated with sacrilege: in the book of Joshua the destruction of an executed corpse by fire is associated with the crime of violating treasure dedicated to God,[39] and Josephus says that Herod ordered those who incited the desecration of the Temple to be burned alive.[40] God himself also sometimes punishes with fire.[41] However, in contrast to ancient practice, the late antique legal sources associate immolation with specific forms of incest and the adultery of a priest's daughter. In the Sanhedrin, the method of burning involves being 'being bound with bundles of grapevine which were then ignited'. By late antiquity, however, legal casuistry seems to have been used, in order to avoid imposing the literal penalty of burning alive (a form of suffocation by smoke is proposed instead).[42]

In Greek and Roman thought, as in the Judaic tradition, there are semantic and conceptual associations between fire and smoke on the one hand and sacrifice and purification on the other.[43] Punitive burning also had a long history in Roman law: the penalty is mentioned in the Twelve Tables and burning alive was classified among the 'extreme punishments' (*summa supplicia*), together with crucifixion and beheading.[44] In the second, third and fourth centuries, the sacrilegious and deserters are named alongside adulterers as criminals who could be burned alive.[45] A fourth century Theodosian edict against homosexuals also condemned them to be burned in public.[46] In Justinian's *Digest*, arsonists, enemies of the state,

37. Hawting, 'Ja'd b. Dirham', pp. 35–7; Marsham, 'Public executions', pp. 116–26.
38. See, for example, Numbers 31:23; Z. Yeivin et al., 'Fire', in *Encyclopaedia Judaica (2nd edn)* (Detroit, 2007), 7, pp. 43–4.
39. Joshua 7:25.
40. Josephus, *De bello Judaico* = *The Jewish War*, trans. H. St J. Thackeray (Cambridge, MA, 1997), 1, p. 655.
41. 2 Amos 1–4; Deut. 13:13–19; cf. Frymer-Kenski, 'Pollution, purification and purgation', p. 1041.
42. H. H. Cohn et al., 'Capital punishment', in *Encyclopaedia Judaica (2nd edn)*, 4, pp. 445–51; Z. Yeivin et al., 'Fire'.
43. Émile Benveniste, *Indo-European Language and Society* (Miami, 1973), pp. 486–7.
44. S. P. Scott, *The Civil Law* (Cincinnati, 1932), pp. 70, 323; Jill Harries, *Law and Empire in Late Antiquity* (Cambridge, 1999), p. 137.
45. Harries, *Law and Empire*, p. 138, n. 18, citing *Codex Theodosianus*, ed. Th. Mommsen (Berlin, 1905), 9.15.
46. Harries, *Law and Empire*, p. 137.

renegade slaves and deserters are all listed as categories of criminal that could be burned.[47] In his *Codex*, exile or death are listed as penalties for Manichaean heretics, as they are for all heretics seeking to participate in public life.[48]

When we turn from the Roman legal material to the narrative sources for Roman late antiquity, the material appears to reflect the latitude given to rulers in enacting the law:[49] we find both the immolation prescribed by the legal sources and the destruction of executed corpses with fire. Perhaps reflecting the legal material, the narrative sources often represent treachery in war and the betrayal of the emperor as crimes that can justly deserve immolation or destruction by fire. Ammianus describes how a barbarian named Stachao, who tried to betray the province of Tripoli, was burned alive.[50] Procopius describes the handing over of a traitor who had assisted the enemy at the siege of Auximum in 539 to his peers in the army, who burned him alive.[51] At the beginning of the seventh century, the *Chronicon Paschale* describes the execution and mutilation of a leading figure in a conspiracy against the emperor; his body was then placed onto a skiff, sent to sea and burned.[52] The Armenian history attributed to Sebeos also refers to two leaders of another failed bid to usurp the emperorship being respectively burned alive and beheaded and then burned.[53]

However, as in the late antique Judaic material, the impression from the Roman narrative sources is that both immolation and the destruction of corpses with fire was comparatively rare. The majority of executions in the later Roman empire seem to have been carried out either by beheading or strangling on the *furca*, which had replaced crucifixion.[54] Furthermore, the sources often use fire as a motif that implies excess and cruelty. In two fourth century texts, Ammianus Marcellinus' *History* and the anonymous *Historia Augusta*, emperors

47. *The Digest of Justinian*, ed. Th. Mommsen, trans. P. Kruger and A. Watson (Philadelphia, 1985), 48.19.8.
48. *Codex Justinianus*, ed. P. Krueger (Berlin, 1895), 1.5.11, 12.3, 14. The *Codex* also includes laws requiring the burning of Nestorian and Eutychian heretics' books: *Codex*, 1.5.6.1.
49. As noted by Harries, *Law and Empire*, pp. 136–7.
50. Harries, *Law and Empire*, p. 137, citing *Ammianus Marcellinus*, 28.6.2.
51. Procopius, *Wars*, VI.xxvi.26.
52. Anonymous, *Chronicon Paschale 284–628 AD*, trans. M. Whitby (Liverpool, 1989), pp. 145–6 (s. a. 605).
53. R. W. Thomson and James Howard-Johnston, *The Armenian History Attributed to Sebeos* (Liverpool, 1999), 1, pp. 106–7.
54. Harries, *Law and Empire*, pp. 138–40. See also Jens-Uwe Krause, 'Staatliche Gewalt in der Spätantike: Hinrihtungen', in *Extreme Formen von Gewalt in Bild und Text des Altertums*, ed. M. Zimmermann (Munich, 2009), pp. 321–50.

are criticised for burning.[55] Restraint is also praised: Theophylact Simocatta (early seventh century) explains that his hero, the Emperor Maurice (r. 582–602), would have preferred to be merciful, but was informed by his priests that those who strayed from Christianity – in this case, a sorcerer – should be burned.[56] The same motif is also found within accounts originating from the Christian world beyond Rome's borders: accounts ultimately originating in sixth century South Arabia depict both burning alive and the cremation of corpses as key motifs in the suffering of the martyrs of Najran in *c*. 523;[57] the *Zuqnin Chronicle* (after 775) is critical of a bishop of Amida in the early sixth century, who 'barbarously, savagely and mercilessly engaged in killings, crucifixions and burnings of believers'.[58]

This negative attitude to immolation and cremation is replicated in the classical Islamic legal traditions. In a number of well-known accounts, the Prophet Muḥammad is said to have initially commanded the burning of some enemies and then to have retracted, saying: 'only the Lord of the Fire punishes with fire' (*lā yuᶜadhdhibu bil-nār illā rabb al-nār*).[59] However, in contrast to the Prophet himself, many of his Companions *are* said to have sanctioned both burning alive and the cremation of executed corpses. There are a number of traditions about ᶜAlī, who is said to have either immolated or cremated groups characterised variously as 'heretics' (*zanādiq*) and 'apostates' (*murtaddīn*).[60] In one version of this story, Ibn ᶜAbbās has the role of informing ᶜAlī of the Prophet's prohibition after ᶜAlī has burned heretics alive,[61] but in various others ᶜAlī is not criticised for his actions. Some of the historical traditions also refer to Abū Bakr using fire

55. *Ammianus*, xxii.3.11; xxix.1.38, 44; *Historia Augusta*, Macrinus 12.10.
56. Michael and Mary Whitby, *The History of Theophylact Simocatta: An English Translation with Introduction and Notes* (Oxford, 1986), 1, pp. 11–21, n. 62; cf. John of Nikiu, *The Chronicle of John, Bishop of Nikiu*, trans. R. H. Charles (London, 1916), 118, p. 11.
57. Irfan Shahîd, *The Martyrs of Najrân: New Documents* (Brussels, 1971), pp. 44–7, 49, 61; Axel Moberg, *The Book of the Himyarites* (Lund, 1924), pp. xxviii, §vii, §xiii, §civ, §xvi. Cf. Q 85.4–8.
58. Amir Harrak, *The Chronicle of Zuqnīn, Parts III and IV: A.D. 488–775* (Toronto, 1999), p. 61.
59. Abū Dāʾūd Sulaymān b. al-Ashᶜath al-Sijistānī, *Sunan Abī Dāʾūd*, ed. M. M. ᶜAbd al-Ḥamīd (Beirut, *c*. 1985), p. §2673 (*jihād*). G. H. A. Juynboll, *An Encyclopedia of Canonical Ḥadīth* (Leiden, 2007), s. v., gives Layth b. Saᶜd (b. 94/713) as the common link for this tradition, implying a mid-eighth century context for its formulation.
60. al-ᶜAsqalānī, *Fatḥ al-bārī*, 12, pp. 237–9.
61. Abū ᶜAbd Allāh Muḥammad b. Ismāᶜīl al-Bukhārī, *Kitāb al-Jāmiᶜ al-ṣaḥīḥ*, ed. M. L. Krehl (Leiden, 1864), pp. ii, 251 (Bk 56, *al-Jihād* = §2854); al-ᶜAsqalānī, *Fatḥ al-bārī*, 12, pp. 237–8.

against apostates and brigands.[62] There is also a non-canonical *ḥadīth* that has an assembly of Companions, called by Abū Bakr and including ᶜAlī, agree upon immolation as the punishment for men who have had sex with men.[63]

Despite the fairly negative tone of the legal literature, immolation has, in fact, continued to be applied intermittently throughout Islamic history – particularly, it would appear, in cases of heresy and apostasy.[64] Executed corpses have also continued to be cremated – again, particularly in cases of heresy and apostasy: two famous and well-attested examples from the ᶜAbbāsid period are the executions of al-Afshīn (d. 841) and al-Ḥallāj (d. 922). In both cases, crucifixion was followed by the sprinkling of the ashes in the Tigris.[65] Given the continuities with pre-Islamic practice, the continued use of fire as an extreme penalty applying particularly to heretics would appear to be a development from pre-Islamic late antiquity.

THE LATE ANTIQUE MARTYROLOGICAL TRADITION I: THE EXECUTION OF WAZĪR

This ambivalent attitude to fire is present not only in the Islamic legal material, but also in the narrative accounts, where it can be used to criticise the executioner, as well as to make other points about piety and salvation. Three of the four episodes under consideration appear to owe some of their main features directly to the late antique martyrological tradition, reinterpreted in an eighth- or ninth-century Islamic context. This is very evident in the cases of Zayd and Yaḥyā, but it also holds true to some extent for Wazīr. (The killings of al-Mughīra and Bayān are rather different, and therefore will be discussed separately.)

Although Wazīr is said to have been a Khārijite, the structure of the account of his death includes a number of features that are typical of the martyrological tradition, albeit deployed in a way that does not necessarily demand the audience's uncritical admiration. The source of the account in al-Ṭabarī's version is said to have been a Khārijite, and this may account for the preservation of the story and, ultimately, for its martyrological characteristics (albeit perhaps modified by its proto-Sunnī editors).[66] Indeed, as is often the case with accounts of Khārijite rebels against the Marwanids, the Khārijite serves as a foil to point out

62. al-Ṭabarī, *Taʾrīkh*, 1, pp. 1903–4; Kraemer, 'Apostates, rebels and brigands', p. 45, n. 39.
63. al-Nuwayrī, *Nihāyat al-ᶜarab*, 2, p. 221.
64. ᶜAbbūd al-Shāljī, *Mawsūᶜat al-ᶜadhāb* (London, 1990), 6, pp. 187–204; Christian Lange, 'Where on Earth is hell? State punishment and eschatology in the Islamic Middle Period', in Lange and Fierro, *Public Violence*, pp. 164–6; Lange, 'Capital punishment'.
65. al-Ṭabarī, *Taʾrīkh*, 3, pp. 1317–18; L. Massignon (L. Gardet), 'al-Ḥallādj', in *EI2*.
66. Abū ᶜUbayda Maᶜmar b. al-Muthannā, see above, n. 18.

the Marwanids' impiety.[67] Hence, Wazīr's piety and erudition are a comfort to Khālid, who releases him from prison and abandons any thought of killing him. It is only when the caliph Hishām demands that Wazīr be burned that the execution is carried out. This might be held to reflect Khālid's weakness, but probably also the severity (and even cruelty?) of Hishām.

In al-Balādhurī's version of the execution, the piety and steadfastness of Wazīr are further emphasised through his invocation of the reality of the fires of Hell as he himself is burned: 'But Wazīr did not become anxious, nor did he move, and he began to recite: "Say: the fire of Hell is fiercer in heat, if only you understood."' (Q.9.81)[68] A suitably pyrotechnic quotation at the moment of death is typical of such martyr narratives.[69] For example, in the third century *Martyrdom of Pionios*, the eponymous hero warns his accusers of the reality of Hell and the judgement by fire that is to come.[70] Then, as his execution nears, Pionios seeks to persuade his accusers to convert. They laugh and say: 'You cannot make us burn alive.' Like Wazīr, Pionios responds: 'It is much worse to burn after your death.'[71] However, in contrast to the martyrdom of Pionios (and in keeping with the distinctive representation of some Khārijites in the ᶜAbbāsid era tradition), the audience is perhaps invited to be critical of both Wazīr and his executioner. Al-Balādhurī's account concludes: 'Wazīr did not become anxious, nor did he move . . . His Companions were anxious, and *were* perturbed.'[72] This seems to emphasise the (excessive?) piety of Wazīr and contrast it with the human weakness of his companions.

67. Chase F. Robinson, *Empire and Elites after the Muslim Conquest: The Transformation of Northern Mesopotamia* (Cambridge, 2000), pp. 116–22.
68. Al-Balādhurī, *Ansāb*, 6b, p. 103. Cf. Ṭabarī, *Taʾrīkh*, 2, p. 1629, where Wazīr 'continued reciting the Qurʾān until he died'.
69. Indeed, it recalls Fox's *Book of Martyrs*: 'Be of good cheer, Ridley; and play the man. We shall this day, by God's grace, light up such a candle in England, as I trust, will never be put out.' John Fox, *Fox's Book of Martyrs: The Acts and Monuments of the Church* (3 vols), ed. J. Cumming (London, 1875), 3, p. 492. A more proximate example is found in Simeon's *Letter* on the martyrs of Najrān, translated in Shahîd, *Martyrs of Najrân*, p. 47:

    > And when the other women who had not been seized with their companions saw the church and the priests and the sons of the covenant burning in the fire, they hastened to the church crying to one another: 'Come, companions! Let us enjoy the scent of the priests.' And thus they hastened and entered the fire and were burnt.

70. Louis Robert, G. W. Bowersock and C. P. Jones, *Le Martyre de Pionios, Prêtre de Smyrne* (Washington, DC, 1993), 4, pp. 18–24.
71. Robert et al., *Le Martyre de Pionios*, 7, pp. 4–5.

The Late Antique Martyrological Tradition II: The Executions of Zayd and Yaḥyā

The narratives about Zayd and Yaḥyā present a more straightforward use of the tradition of the martyr narrative, so the expected sympathies of the audience are less ambiguous. Here, where fire is used not to kill but to cremate the corpse, its symbolic importance relates primarily to the prevention of proper burial and the survival of relics. In a context where the body of a holy man could be venerated after death as proof of his salvation in the afterlife, burning could become a deliberate policy by a ruler. Of course, exactly the same action and motives could also be represented in sources sympathetic to the martyr as futile violence carried out by a tyrannous ruler.

This point is made explicit in some of the accounts of the deaths of Zayd and Yaḥyā, where the caliph al-Walīd II is said to have written to Yūsuf b. ᶜUmar, his governor in Iraq:

> Now then: When this letter of mine reaches you, look for the calf of the Iraqi people: burn him and scatter him broadcast into the sea! Salam. (*amma baᶜd fa-idhā atāka kitābī hādhā fa'nẓur ᶜijl ahl al-ᶜIrāq fa'ḥriqhu wa'nsifhu fī al-yamm nasfan*)[73]

The allusion is to the Biblical and Quranic 'Golden Calf' and specifically to Moses' words in *sūrat Ṭā Hā* (Q 20.97):

> . . . Now look at your god, of whom thou hast become a devoted worshipper: we will certainly burn it and scatter it broadcast into the sea! (*wa-'nẓur ilā ilāhika alladhī ẓalta ᶜalayhi ᶜākifan la-nuḥarriqannahu thumma la-nansifinnahu fī al-yamm nasfan*)[74]

Yūsuf interpreted this to mean Zayd, whose remains he took down from their gibbet in Kufa and burned, before scattering the ash in the Euphrates; fire destroyed the corpse, preventing the customary burial and hence the veneration of the tomb of a martyr and his relics, which are described here as analogous – in the minds of the Umayyads – to idol worship.[75]

72. al-Balādhurī, *Ansāb*, 6b, p. 103 (emphasis added).
73. al-Iṣfahānī, *Maqātil*, p. 144; cf. al-Balādhurī, *Ansāb al-ashrāf*, 2, p. 539; al-Ṭabarī, *Taʾrīkh*, 2, p. 1774.
74. Cf. Exodus 32.19–20.
75. Other instances of the destruction of idols by fire include: 2 Kings 23:4; 2 Chronicles 15:16; Ibn Hishām, *Sīrat rasūl Allāh*, ed. F. Wüstenfeld (Göttingen, 1859), p. 821.

This motif of the burning of corpses and the scattering of the ash on water is also found in two of the most reproduced late antique Christian martyr narratives. In a narrative widely known in the pre-Islamic eastern Christian world, Eusebius (d. 339 CE) describes how the martyrs of Lyon (177 CE) were burned, in order to destroy their bodies:

> . . . the martyrs' bodies, after six days' exposure to every kind of insult and to the open sky, were finally burnt to ashes and swept by these wicked men into the Rhône which flows near by, that not even a trace of them might be seen on earth again . . .[76]

Basil of Caesarea's homily on the martyrs of Sebaste (373 CE), whose corpses were also burned, extends this motif to emphasise the suffering of the martyrs through the four elements, citing Psalm 65:12: 'Thus was the saying, "We went through fire and water, and you have led us into relief . . ."'[77]

It is conceivable that an echo of this particular motif of the elements is found in the versions of Zayd's death that have his ashes scattered in the water and the fields or to the winds ('3b' and '3d'). What is much more certain is that the way in which the more general motif of execution, burning and the scattering of the ashes in water is used in the Christian material and the Islamic texts reflects both a shared cultural context and similar narrative purposes, which depend upon similar ideas about relics and resurrection. It may even reflect the transmission of literary motifs directly from the Christian tradition into the proto-Shīᶜī material.

Besides the symbolic world of 'Islamic late antiquity', the specific events of the ᶜAbbāsid Revolution are also crucial, in order to understand the accounts of the deaths of Zayd and Yaḥyā and their reception.[78] Abū Muslim, one of the architects of the ᶜAbbāsid Revolution, is said to have had Yaḥyā's body properly buried at Juzjān and to have established the pilgrimage shrine there.[79] He is also said to have sought out those who killed Zayd and Yaḥyā and had them killed by the same means. In Syria, revolutionaries exhumed the bodies of the Umayyad caliphs and then crucified and – in some accounts – burned them. These stories of ᶜAbbāsid to revenge are not prominent in the sources; as Chase Robinson has

76. Eusebius, *The History of the Church*, trans. G. A. Williamson (Harmondsworth, 1989), 5, p. 1.
77. Basil, *Homily on the Forty Martyrs of Sebaste*, translated in Johan Leemans, Wendy Mayer, Pauline Allen and Boudewijn Dehandschutter, *'Let Us Die That We May Live': Greek Homilies on Christian Martyrs from Asia Minor, Palestine, and Syria (c. AD 350–AD 450)* (London, 2003), p. 74.
78. For what follows, see Robinson, 'The violence of the Abbasid Revolution'.
79. W. Madelung, 'Yaḥyā b. Zayd', in *EI2*.

noted, there was significant discomfort in ᶜAbbāsid historiography with the violence committed at the height of the revolution. In these accounts of the suffering of the Alid martyrs Zayd and Yaḥyā, we see some of the justification for the ᶜAbbāsid response; they are part of the accusation and counter-accusation of the revolution. Indeed, the narratives are often paired together: ᶜAbd Allāh b. ᶜAlī's killing of the killer of Zayd follows al-Balādhurī's account of Zayd's death;[80] an account of the burning of Hishām's exhumed corpse is juxtaposed with the story of Zayd's exhumation and cremation by al-Masᶜūdī.[81] Hence, these are not just narratives about the victory of the Alid martyrs over their Umayyad oppressors, but also the justice of the violence of the martyrs' revolution.

What is less certain is whether actual punitive methods informed these reports. In the case of Yaḥyā, the account of his corpse being burned has simply been transferred from stories about his father, and we should certainly prefer the story of his 'crucifixion', instead. However, the death of Zayd is more ambiguous. The reports of the burning of Zayd's corpse derive from proto-Shīᶜī or Shīᶜī traditionists, and where they do appear in the proto-Sunnī works of al-Ṭabarī and al-Balādhurī, they are presented without *isnād* and sometimes with a sceptical passive: 'it is said' (*qīla*, *yuqālu*). Hence, there must be a suspicion that these accounts have been embellished for martyrological purposes and to justify revolutionary violence. However, it is possible that, in fulfilling these narrative purposes, the proto-Shīᶜī traditionists also had more reason to preserve the details of what had, indeed, taken place. As noted above, Roman penal culture – including the burning of corpses and the use of water – does appear to have persisted into the early Islamic period. Furthermore, as noted above, the punitive burning of crucified corpses in the Islamic world is securely attested for the ninth and tenth centuries (again, with ashes scattered in the river), and so it may have taken place in the eighth century, too.[82] The destruction of the corpse may, indeed, have been the intention of the Umayyad authorities, when faced with the potential of the charismatic power of Alid rebels to survive beyond the grave.

The Unusual Immolations of al-Mughīra and Bayān

The accounts of the executions of al-Mughīra and Bayān appear to owe less to the generic conventions of martyrdom. Although there are intertextualities with the account of Wazīr's death, some of the more important parallels are with

80. al-Balādhurī, *Ansāb al-ashrāf*, 2, 537.
81. al-Masᶜūdī, *Murūj*, 2, p. 471.
82. See above, n. 4 and n. 65.

another execution carried out by Khālid – that of the heretic Jaʿd b. Dirham.[83] In some accounts, discussed by Gerald Hawting, Jaʿd is said to have been killed by Khālid in person at the congregational mosque at Wāsiṭ during the Festival of Sacrifices (*ʿĪd al-Aḍḥā*). In these accounts, the method of his killing is said to have been *dhabḥ* – the slitting of the throat, in the same manner as a sacrificial sheep or goat, cutting the windpipe and jugular, but leaving the spine intact:

> I witnessed Khālid al-Qasrī in Wāsiṭ when it was the Day of Sacrifices (*yawm al-Aḍḥā*). He said [in his *khuṭba*], 'Go back and slaughter your offerings – may God accept them from you. I am going to offer Jaʿd b. Dirham, who has claimed that God has not taken Abraham as a friend and has not spoken in speech to Moses. God is far above what the son of Dirham has said.' Then he descended [from the *minbar*] and slaughtered him.[84]

Although fire is absent, there are a number of important parallels and connections between this and related accounts of Jaʿd's execution and those of the executions of al-Mughīra and Bayān (and so also, Wazīr):

i. the accusations of heresy (which are elaborated in the cases of al-Mughīra/Bayān and Jaʿd; in contrast, it is Wazīr's violence against Muslims, albeit grounded in his Khārijism, that appears to occasion his execution);
ii. the location of the killing at the mosque (specifically, Wāsiṭ, in one account about al-Mughīra/Bayān and most accounts about Jaʿd; Wazīr's death is not given a specific location); the courtyard of the mosque is specified as the location for the burning in the case of al-Mughīra/Bayān and Wazīr, whereas Jaʿd appears to have been slaughtered inside the mosque, immediately after the Eid *khuṭba*;
iii. Khālid's position of authority on the *minbar* (pulpit) in the case of Jaʿd and on the *sarīr* (throne) in the case of al-Mughīra/Bayān;
iv. in the cases of Wazīr and Jaʿd, some accounts have Hishām intervene to remind Khālid to kill the prisoner; and
v. Jaʿd is said to have associated with Bayān, from whom he learned his heretical views.

83. On this event, see Hawting, 'Jaʿd b. Dirham'.
84. Hawting, 'Jaʿd b. Dirham', p. 28. Hawting notes, after van Ess, that the *isnād* is from al-Qāsim b. Muḥammad b. Ḥumayd al-Maʿmarī (d. 228/843), who relies ultimately on an eyewitness, Ḥabīb b. Abī Ḥabīb.

These parallels with accounts of the sacrificial execution of Jaʿd could suggest a sacrificial meaning for the burnings of al-Mughīra, Bayān and Wazīr. In this connection, it may be notable that the use of naphtha recalls the language of the second Book of Maccabees, where naphtha is used in a sacrifice and is translated as meaning 'purification'; other naphtha fires revered by Zoroastrians appear to be mentioned in the *Bundahišn*.[85] There could even be other echoes of Zoroastrian sacrifice: Khālid's throne (*sarīr*) might recall the seat of honour at the Iranian sacrifice; and the presence of the fire itself, of course, recalls Zoroastrian ritual (though not the Zoroastrian sacrifice itself, which was carried out by throat-slitting).[86]

Such parallels might suggest that these narratives belong to a discourse about the excesses of Umayyad violence: indeed, the implication could almost be that Khālid, under pressure from Hishām, had carried out a blasphemous, syncretic killing. However, even if these syncretic resonances are rejected as unlikely to be intended (and they do seem unlikely), the mere use of fire belonged, as we have seen, to a late antique discourse about oppression and excessive violence, and in this they may share a narrative purpose with the story of the killing of Jaʿd. Where other executions on Eid are described by the sources, the intention appears to be the denigration of the Umayyads: al-Ḥajjāj, another Umayyad governor of Iraq, is said to have threatened an Alid supporter with the same fate in 95/714 (again, in Wāsiṭ); the Andalusian Umayyad, ʿAbd al-Raḥmān III is said to have killed his own son in this manner on Eid 339/951.[87] In the latter case, the context for the accusation against the Andalusian Umayyads may have been the Fātimid Revolution in North Africa.[88] The earliest accounts of the burnings of al-Mughīra, Bayān and Wazīr presumably originated in the revolutionary milieu in which their rebellions occurred. The subsequent survival of the stories may be partially a function of their contribution towards the representation of the Umayyads as impious and acting beyond punitive limits.

However, that the accounts were preserved for these reasons does not necessarily invalidate them as evidence for the events that they describe. In the case of the execution of Jaʿd, Hawting proposed that:

85. 2 Maccabees 1:18–36. See further Boyce, 'Atāš'; Daniel Schwartz, *2 Maccabees* (Berlin, 2008), pp. 142–60.
86. On animal sacrifice in Zoroastrianism, see Albert de Jong, 'Animal sacrifice in ancient Zoroastrianism: a ritual and its interpretations', in *Sacrifice in Religious Experience*, eds Albert I. Baumgarten and Albert de Jong (Leiden, 2002), pp. 127–48; W. M. Malandra, 'Sacrifice. i. In Zoroastrianism', in *Encyclopaedia Iranica*. Available at: http://www.iranicaonline.org/articles/sacrifice-i (accessed 1 June 2014).
87. Hawting, 'Jaʿd b. Dirham', pp. 32–3; Fierro, 'Emulating Abraham', especially p. 148.
88. Fierro, 'Emulating Abraham', p. 149.

> . . . the idea that [Eid] is a suitable time for executions may be more in tune with a view of the festival as one dominated by fear of God and the need to appease Him, associated with atonement and the seeking of forgiveness for sin. In the reports about the killing of Jaʿd it is notable that Khālid's address includes the hope that God will accept the offerings of those to whom he is speaking . . . That seems to emphasise the sacrificial nature of the offerings, something that is less prominent in later practice, in spite of the name of the feast.[89]

Even if this is the case, it remains very difficult indeed to imagine a literal interpretation of the immolation as a human sacrifice to God being acceptable to any of Khālid's audiences: the use of fire is not attested in other Islamic sacrifices; Zoroastrians would usually have perceived the human body as polluting.[90]

Rather, if Khālid did burn al-Mughīra, Bayān and Wazīr, this should probably be understood primarily through the more general symbolic associations of fire with extreme punishment and purification in Roman and Judeo-Christian culture. This would seem to fit well with the accusations of sorcery and heresy against al-Mughīra and Bayān – crimes specifically punishable by fire in Roman law and practice. In the case of Wazīr, Roman immolation of arsonists – that is, an exemplary punishment fitting the crime – may have been all that was intended. This is certainly the implication of the reported words of Hishām: 'Do not allow a criminal who has killed, burned and plundered property to live.'[91] The destruction of the body was also, no doubt, deliberately transgressive in a cultural context where burial of the intact corpse was the norm. This recalls both the killings of Zayd and Yaḥyā, as well as pre-Islamic precedents.[92]

CONCLUSIONS

The historical sources for the Umayyad period are notoriously problematic. All are extant only in forms that took shape in the ʿAbbāsid period. Hence, any reconstruction of events in the Umayyad period is inevitably partial and to some

89. Hawting, 'Jaʿd b. Dirham', p. 34.
90. A problem already noted by Hawting, 'Jaʿd b. Dirham', p. 36.
91. al-Ṭabarī, *Taʾrīkh*, 2, p. 1628.
92. The martyrs of Najrān were denied a proper burial, being thrown instead into the ditch that surrounded the city walls: Moberg, *Book of the Himyarites*, p. xx. Likewise, the *Zuqnīn Chronicle* laments that at Amida 'corpses were then taken out and secretly thrown into abandoned graves as is done to dumb animals': Harrak, *The Chronicle of Zuqnīn*, p. 61. Procopius tells us that beheaded *Nika* rioters were flung into the sea (*Wars*, I.xxiv.56); and the *Chronicon Paschale* describes the traitor Elpidius being 'thrown into a skiff and burned' at sea at Constantinople in 605 (Anonymous, *Chronicon Paschale*, pp. 145–6).

extent a reflection of the concerns of the ᶜAbbāsid era traditionists upon whom it depends. The symbolic and ritual nature of an execution makes these concerns all the more apparent: it is notable that many of the immolations and cremations attributed to the Umayyads, including most of those discussed here, relate to interactions between Umayyad rulers and Alids and their associates and supporters, often transmitted by traditionists with Shīᶜī sympathies; as presented in the narratives, the use of fire appears to be intended to reflect negatively on the executioners. It is possible that some of the traditions employing the use of fire (or not) by the Prophet and his Companions reflect aspects of the same discourse; it is notable that ᶜAlī is criticised by Ibn ᶜAbbās in one of the *ḥadīth*s; some of the other representations of Abū Bakr and ᶜAlī may also have been deployed in a context where they were criticised through their association with the punitive use of fire.

In this representation of fire as an extreme penalty, which could rebound negatively on those who inflicted it, the Islamic traditions perpetuate a motif already established in pre-Islamic late antiquity. Talmudic law appears to seek to avoid immolation and many of the late Roman narrative sources represent rulers' use of fire as cruel or unjust – in late antiquity, 'punishment and pain were open to question and challenge'.[93] Furthermore, a set of motifs about fire found in Christian martyr stories appear to have been recast in Islamic form in the Islamic texts: in the account of the burning of Wazīr, the Khārijite serves as a foil to point to the impiety of the Umayyads – the condemned holy man's piety and erudition impresses his captor, and he invokes the fires of hell against the Umayyads as he is burned; in contrast, the narratives of the burning of the bodies of Zayd and Yaḥyā are more straightforward continuations of the martyrological tradition, where the Umayyads' intention to destroy the relics of the defeated rebels is made clear (and so the martyrs' eventual triumph over their oppressors is highlighted). The deaths of Zayd and Yaḥyā are also remembered as justification for the reprisals of the ᶜAbbāsid Revolution: in the millenarian context of eighth century Islam, martyrdoms legitimated the punishment of tyrants.

The killings of al-Mughīra and Bayān are different again. Here, some very specific motifs on excessive, ritualised or even sacrificial killing – and commands to carry out such killings from Hishām (who was remembered in much later sources as one of a very few caliphs who ordered burnings)[94] – appear to have been combined with an evolving heresiography of the *ghulāt*. Nonetheless, in this case, too, the use of fire by Khālid and Hishām may also belong to a wider discourse about the excessive violence of the Umayyads. Certainly, the parallels

93. Harries, *Law and Empire*, p. 152.
94. Ibn al-Zubayr and Hishām are listed in al- Nuwayrī, *Nihāyat al-ᶜarab*, 2, p. 221.

between the accounts of the killing of Wazīr and the killing of al-Mughīra and Bayān suggest the influence of the various accounts upon one another.

In the case of Yaḥyā, the account of his corpse being burned has simply been transferred from stories about his father, and we should prefer the story of his 'crucifixion', instead. However, polemical purposes for a narrative do not necessarily invalidate the historicity of all of its features, and it does seem plausible that fire was, indeed, used by the Umayyads on the other three occasions: the destruction of Zayd's body both recalls some Roman practices and anticipates the fate of al-Afshīn and al-Ḥallāj; Wazīr appears to have been killed in the same tradition that had arsonists burned in Roman law; given the references to sorcery in the narratives about al-Mughīra and Bayān, and to heresy in the heresiographical texts, their fate also echoes Roman law and practice and may be an indication of a greater political salience for the specifics of dogma and theology in the later Umayyad period. Certainly, in this emphasis on heresy as well as rebellion, these killings are part of the shape of things to come, with immolations and cremations of both apostates to Christianity from Islam and of heretics being securely attested for the early ʿAbbāsid period and in subsequent centuries.

Hence, the symbolic functions of fire, both in the historical memory and in actual punitive practice, can be understood in terms of the cultural *longue durée* – as a testament to the persistence of certain cultural forms over many centuries, despite more superficial ideological transformations. One person's apostates and heretics are usually another's martyrs, and so the ambiguous and violent symbolism of fire – on the very margins of acceptable norms – can serve both opponents and supporters. Furthermore, in the actual use of fire as a punishment, the focus on heretics, apostates, sorcerers and men having sex with men is very striking indeed – these were the same crimes that would be punished by fire in the Latin West. This points to an even longer persistence of cultural forms: it seems likely that the purificatory and cleansing associations of smoke and fire in both Indo-European and Semitic culture ultimately lie behind this coincidence in punitive theory and practice in both Christian Europe and the Islamic Middle East.

CHAPTER

8

ᶜABBĀSID STATE VIOLENCE AND THE EXECUTION OF IBN ᶜĀᵓISHA

*John A. Nawas**

In what follows, an otherwise obscure incident in Islamic history – the execution of a leading member of the ᶜAbbāsid family by an ᶜAbbāsid caliph in the third AH/ninth AD century – is discussed to explicate the bounds of what can be considered 'legitimate state violence' at the time. The execution and the manner in which the caliph carried it out were intended to serve as a warning for a recalcitrant wing of his ᶜAbbāsid family – the pro-al-Amīn faction. In the long run, however, the episode would have repercussions for Islamic history, and this pro-al-Amīn faction (which included the executed ᶜAbbāsid) ultimately won the day after al-Muᶜtaṣim was appointed caliph, rather than a son or other progeny of al-Maᵓmūn – the caliph in question, who executed the ᶜAbbāsid.[1]

This article first recounts the background and circumstances surrounding the arrest and execution of Ibn ᶜĀᵓisha – a not very well-known member of the ruling ᶜAbbāsid family.[2] Following this, I will undertake an analysis of how al-Maᵓmūn, the ᶜAbbāsid caliph who executed Ibn ᶜĀᵓisha, conceptualised the institution of the caliphate and the role of its incumbent, the caliph. The narrative ends by relating Ibn ᶜĀᵓisha's execution to al-Maᵓmūn's political reasoning, delineating this caliph's understanding of what constituted legitimate state violence.

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1. The commencement of the repositioning of the pro-al-Amīn faction in the caliphate, confirmed by the appointment of al-Maᵓmūn's brother al-Muᶜtaṣim as his heir to the caliphate, is the theme of J. A. Nawas, 'All in the family? Al-Muᶜtaṣim's succession to the caliphate as denouement to the lifelong feud between al-Maᵓmūn and his Abbasid family', *Oriens* 38 (2010), pp. 77–88.
2. To help the reader, a diagram showing the family relationships of the ᶜAbbāsid protagonists discussed in this chapter is found in the Appendix at the end of the chapter.

THE CIVIL WAR BETWEEN THE BROTHERS AL-AMĪN AND AL-MAᵓMŪN

As most readers will recall, al-Maᵓmūn was the seventh ᶜAbbāsid caliph, who ruled from 198–218 AH/813–33 AD. He came to power after a civil war with his brother, al-Amīn (r. 193–8/809–13). This conflict was the result of the implementation of succession plans dictated by their father, Hārūn al-Rashīd (r. 170–93/786–809). These stipulations came to be known as the Meccan or Kaᶜba Accords.[3] The exact circumstances which led to the Meccan Accords and even their wording remain one of the great unresolved mysteries of ᶜAbbāsid history: in these accords, the six-month younger al-Amīn, an ᶜAbbāsid on both father's and mother's side, was made heir to the caliphate to be followed by his older brother al-Maᵓmūn, who, in turn, was to be succeeded by another, otherwise unknown, brother, al-Qāsim.[4] At any rate, most sources stress one element: Al-Amīn, unlike al-Maᵓmūn, was an ᶜAbbāsid on both sides: his father was Hārūn al-Rashīd and his mother was Zubayda, a granddaughter of the second ᶜAbbāsid caliph al-Manṣūr (r. 136–58/754–75).[5]

It is imperative for the purpose of this article to briefly recount what happened that sparked a civil war between the two brothers. Immediately after Hārūn al-Rashīd passed away in 193/809, his two sons started, together with their advisors, to try to outmanoeuvre the other. Al-Maᵓmūn operated from the eastern province of Khurasan, a province whose governorship had been awarded him by the Meccan Accords, while al-Amīn, the new caliph, operated from the capital Baghdad. After a number of diplomatic skirmishes, real battles ensued between the armies of the two brothers. Al-Maᵓmūn's army slowly but surely

3. F. Gabrieli, 'La successione di Hârûn ar-Rašîd e la guerra fra al-Amîn e al-Maᵓmûn', *Rivista degli studi orientali* 11 (1928), pp. 341–97; R. A. Kimber, 'Hārūn al-Rashīd's Meccan Settlement of AH 186/AD 802', in *Occasional Papers of the School of Abbasid Studies* (St Andrews, 1986), pp. 55–79; T. El-Hibri, 'Harun al-Rashid and the Mecca Protocol of 802: a plan for division or succession?' *International Journal of Middle East Studies* 24 (1992), pp. 461–80.
4. Who, according to the text as preserved by the sources, received the regnal title al-Muᵓtaman, like the names of al-Amīn and al-Maᵓmūn, derived from the root ᵓ-m-n.
5. In addition to what the sources tell us about al-Amīn being an ᶜAbbāsid on both sides, it is insightful to note that Zubayda was the daughter of Jaᶜfar, brother of caliph al-Mahdī, and Salsal, a sister of Khuzayrān, wife of al-Mahdī (see Appendix). Regarding al-Maᵓmūn's maternal ancestry, see W. Madelung, 'Was the Caliph al-Maᵓmūn a grandson of the sectarian leader Ustādhsīs?' in *Studies in Arabic and Islam: Proceedings of the 19th Congress, Union Européenne des Arabisants et Islamisants*, eds S. Leder, H. Kilpatrick, B. Martel-Thoumian and H. Schönig (Leuven, 2002), pp. 485–90.

made its victorious way to Baghdad. Ultimately, al-Amīn was killed in 198/813 – an act from which al-Maʾmūn attempted to distance himself.[6]

The ʿAbbāsids in Baghdad revolt against al-Maʾmūn: the anti-caliphate

Despite the fact that his soldiers had been triumphant and were in Baghdad, the new caliph al-Maʾmūn did not rush back to the capital of the Islamic empire. In moving from Khurasan to the capital, al-Maʾmūn took his time; he arrived in Baghdad some six years later in 204/819.[7] After al-Maʾmūn had finally decided to return, a number of odd events occurred during the long trek from Khurasan to Baghdad. One event is of particular relevance here: on the way, while in Tus (where his father al-Rashīd had died),[8] al-Maʾmūn appointed, in the year 201/817, a Shīʿī Imām, ʿAlī al-Riḍā, heir to the caliphate.[9]

The ʿAbbāsid family in Baghdad was naturally furious that an Alid, rather than an ʿAbbāsid, would become the new Commander of the Faithful. Their anger and rage was such that they appointed a half-brother of Hārūn al-Rashīd, Ibrāhīm b. al-Mahdī, as caliph replacing al-Maʾmūn.[10] Due to the civil unrest resulting from the demise of al-Amīn, coupled with the prolonged absence of a caliph in the capital, Ibrāhīm b. al-Mahdī appointed two sons of the fourth

6. An extensive description, followed here, and analysis of the civil war is found in Chapters 8 and 9 of H. Kennedy, *The Early Abbasid Caliphate* (Beckenham, 1981), pp. 135–63.
7. Al-Ṭabarī, *Taʾrīkh al-rusul wa-l-mulūk* (Leiden, 1879–1901), 3, p. 1037 = C. E. Bosworth (trans.), *The Reunification of the ʿAbbasid Caliphate* (Albany, 1987), p. 95.
8. On this 'coincidence', see J. A. Nawas, 'A psychoanalytic view of some oddities in the behavior of the ʿAbbasid Caliph al-Maʾmûn', *Sharqiyyât* 8.1 (1996), pp. 69–81.
9. Al-Ṭabarī, *Taʾrīkh*, pp. 1012–13 = Bosworth, *The Reunification*, pp. 61–2. On this exceptional decision, see F. Gabrieli, *Al-Maʾmūn e gli ʿAlidi* (Leipzig, 1929); W. Madelung, 'New documents concerning al-Maʾmūn, al-Faḍl b, Sahl and ʿAlī al-Riḍā', in *Studia Arabica et Islamica: Festschrift for Iḥsān ʿAbbās*, ed. W. al-Qadi (Beirut, 1981), pp. 333–46; D. Sourdel, 'La politique religieuse du calife ʿabbaside al-Maʾmun', *Revue des études islamiques* 30 (1962), pp. 27–48; T. Bayhom-Daou, 'Al-Maʾmūn's alleged apocalyptic beliefs: a reconsideration of the evidence', *Bulletin of the School of Oriental and African Studies* 71 (2008), pp. 1–24; M. Ali Buyukkara, 'Al-Maʾmūn's choice of ʿAlī al-Riḍā as his heir', *Islamic Studies* 41 (2002), 445–68; D. G. Tor, 'An historiographical re-examination of the appointment and death of ʿAlī al-Riḍā', *Der Islam* 78 (2001), 103–28; Ḥasan al-Amīn, *al-Riḍā wa-l-Maʾmūn wa-wilāyat al-ʿahd* (Beirut, 1995); Hayrettin Yücesoy, *Messianic Beliefs and Imperial Politics in Medieval Islam* (Columbia, SC, 2009), pp. 91–6 and Tamima Bayhom-Daou, 'ʿAlī al-Riḍā', in *EI3*.
10. Ibrāhīm b. al-Mahdī's regnal title was al-Mubārak; see D. Sourdel, 'Ibrāhīm b. al-Mahdī', in *EI2*.

ᶜAbbāsid caliph al-Hādī as his governors of the eastern and western sections of Baghdad.[11] Ibrāhīm b. al-Mahdī led this anti-caliphate for almost two years, starting in 201/817 until he was forced into hiding in 203/819, after having lost most of his support as al-Maʾmūn approached Baghdad.[12]

We hear nothing about Ibrāhīm b. al-Mahdī or his anti-caliphate until almost seven years later, when his nephew, Ibn ᶜĀʾisha (cousin of al-Maʾmūn; see Appendix), was arrested in Baghdad in the year 210/825. It is reported that Ibn ᶜĀʾisha and his confederates had been apprehended just a few days before a certain Naṣr b. Shabath was to enter Baghdad. This Naṣr b. Shabath had previously led an Arab revolt against the chaos which reigned in the vicinity of Baghdad almost immediately after al-Amīn had lost his hold over the caliphate. The mainstay of his revolt were Arab tribes, but after years of fighting, they had given in when al-Maʾmūn's general provided Naṣr b. Shabath with a guarantee of safety.[13]

The historical reports suggest that Ibn ᶜĀʾisha and his comrades had planned to meet Naṣr b. Shabath and his men as they entered Baghdad, in order to once again rally support for Ibrāhīm b. al-Mahdī against al-Maʾmūn.[14] However, the caliph al-Maʾmūn had been informed about their plot by a certain ᶜImrān al-Quṭrubulī.[15] Military functionaries were sent to arrest the conspirators on

11 Al-Ṭabarī, *Taʾrīkh*, 3, pp. 1015–16 = Bosworth, *The Reunification*, pp. 66–7. The two appointed nephews of Ibrāhīm b. al-Mahdī were al-ᶜAbbās b. al-Hādī and Isḥāq b. al-Hādī (see Appendix).

12. Al-Ṭabarī, *Taʾrīkh*, 3, pp. 1032–6 = Bosworth, *The Reunification*, pp. 88–93.

13. On Naṣr b. Shabath and his revolt, see Amikan Elad, 'Al-Maʾmūn's military units and their commanders up to the end of the siege of Baghdad (195/810–198/813', in *ᶜAbbasid Studies IV. Occasional Papers of the School of ᶜAbbasid Studies. Leuven, July 5–July 9, 2010*, ed. Monique Bernards (Oxford, 2013, pp. 245–84), who cogently argues that most of the military commanders in the vicinity of Baghdad at the time were either Arabs or members of veteran families of the Abnāʾ.

14. Note that Ibn ᶜĀʾisha had, like al-Amīn and Zubayda (albeit in her case by marriage), ᶜAbbāsid parents: his great-grandfather was Ibrāhīm al-Imām and he was named after his grandmother ᶜĀʾisha, daughter of Sulaymān b. ᶜAlī (see Appendix). Was it sheer coincidence that Zubayda, al-Amīn and Ibn ᶜĀʾisha were ᶜAbbāsids on both sides or is it an echo of implied precedence given to a full member of the ᶜAbbāsid family? I have indirectly dealt with this issue in 'All in the family', and I hope to provide in the near future a more detailed analysis of the pro-al-Amīn faction's history, from al-Amīn's caliphate up through that of al-Muᶜtaṣim's.

15. *Pace* Bosworth and Uhrig, who have 'al-Qaṭrabullī (Bosworth, *The Reunification*, p. 146; Hans Ferdinand Uhrig (trans.), *Das Kalifat von al-Maʾmūn* (Frankfurt am Main, 1988), p. 179), as it is also vocalised in the De Goeje edition of al-Ṭabarī, *Taʾrīkh*, 3, p. 1073, as well as that of M. Abū al-Faḍl Ibrāhīm, 8, p. 602. My thanks go to Geert Jan van Gelder for pointing out the correct vocalisation of this name. The *nisba* al-Quṭrubulī is cited by al-Samᶜānī, *Kitāb al-Ansāb*, ed. ᶜAbdallāh ᶜUmar al-Bārūdī (Beirut, 1988), 4, p. 522.

Ṣafar 5, 210/May 28, 825. Alongside Ibn ʿĀʾisha, a certain Muḥammad b. Ibrāhīm al-Ifrīqī, Mālik b. Shāhī, Faraj al-Baghwārī and 'their confederates' (we do not know exactly who or even how many), all members of the military, were arrested. All were taken to the Maṭbaq prison of Baghdad.[16] Al-Maʾmūn then ordered that his cousin Ibn ʿĀʾisha be pinioned at the gateway of the caliph's palace, where he was left exposed in the sun for three days. After the three days, the caliph ordered that Ibn ʿĀʾisha be flogged and jailed again in the Maṭbaq prison. Upon Ibn ʿĀʾisha's return to the prison, his comrades-in-arms were also flogged and ordered to write down all the names of other conspirators in the military, which they did. However, al-Maʾmūn decided not to take any action against the men named, because he was not sure if the conspirators were not accusing innocent men of being part of the plot against the caliph.[17]

The Execution of the ʿAbbāsid Ibn ʿĀʾisha

Al-Maʾmūn had the conspirators securely locked up in the Maṭbaq prison. Soon, however, Ibn ʿĀʾisha and his comrades resumed their recalcitrance, but were betrayed yet again, this time by another prisoner, who was given a guarantee of safety because he had denounced their new plan to revolt another time.[18] The renewed plan was simple: Ibn ʿĀʾisha and his confederates intended to start a riot in the Maṭbaq prison and then take advantage of the chaos to make their escape through the walls of the prison. In executing this plan, they barricaded the door of the prison from the inside so that nobody could get to them. This caused much disturbance and turmoil, especially since night had already fallen, but as soon as al-Maʾmūn learnt what was happening, he personally rode to the prison, had the four ringleaders taken out, bound and, while Ibn ʿĀʾisha hurled out insults and curses at the caliph, al-Maʾmūn personally cut off their heads.[19] The next morning, the corpses of the four men were crucified on the

16. Or Muṭbaq prison; the vocalisation is not certain.
17. Al-Ṭabarī, *Taʾrīkh*, 3, pp. 1073–4 = Bosworth, *The Reunification*, pp. 145–6.
18. Al-Ṭabarī, *Taʾrīkh*, 3, p. 1075 = Bosworth, *The Reunification*, p. 148. Two 'city mobsters' named Abū Mismār and ʿAmmār were in jail with Faraj al-Baghwārī, Mālik b. Shāhī and the others, who had conspired to secure the allegiance of Ibrāhīm b. al-Mahdī. After their new plot had been disclosed, all were flogged again, except ʿAmmār, because he had betrayed the group in the Maṭbaq prison and therefore been given the guarantee of immunity.
19. *Pace*, both Bosworth, *The Reunification*, p. 148 and Uhrig, *Das Khalifat*, pp. 182–3. Al-Tabarī, *Taʾrīkh*, 3, pp. 1075–6 stresses that al-Maʾmūn 'personally' (*bi-nafsihi*) rode to the prison, called for the four men *fa-ḍaraba aʿnāqahum*. I read the text as al-Maʾmūn doing this deed himself, not ordering others to do it, as suggested by the Bosworth and

lower bridge of Baghdad; at least two sources state that Ibn ᶜĀʾisha was the first ᶜAbbāsid ever to have been crucified.[20] After a few days, Ibn ᶜĀʾisha's body was taken from where it was laid for all to see, washed and buried in the Quraysh cemetery, as was the corpse of one other man, Muḥammad b. Ibrāhīm al-Ifrīqī, who was buried in al-Khayzurān cemetery; the other two corpses were left to rot away. This was the end of Ibn ᶜĀʾisha and his rebellion against al-Maʾmūn.[21]

To help contextualise these events and complete the story, a word or two is called for regarding what happened to the man who Ibn ᶜĀʾisha wanted to be caliph instead of al-Maʾmūn. In the same year in which Ibn ᶜĀʾisha was arrested and executed, the year 210/825, Ibrāhīm b. al-Mahdī, despite being disguised as a woman, was recognised in the streets of Baghdad and taken into custody. Though he had officially renounced his claims to the caliphate shortly before al-Maʾmūn entered Baghdad, he went into hiding until his apprehension. Unfortunately, the chronology of events is not straightforward: we are told that Ibrāhīm b. al-Mahdī was arrested in Rabīᶜ II 210/August 825,[22] and this date is after the *arrest* of Ibn ᶜĀʾisha, which was in Ṣafar/May of that year.[23] However, we do not know if Ibn ᶜĀʾisha was *executed* before or after Ibrāhīm b. al-Mahdī's capture.[24] At any rate, shortly after his arrest, Ibrāhīm b. al-Mahdī was briefly imprisoned.[25] Primarily due to the efforts of Zubayda, the

Uhrig translations. The more so, since the text which al-Ṭabarī had most probably used as well, Ibn Abī Ṭāhir Ṭayfūr, *Kitāb Baghdād* (Beirut, 2009), p. 122 also has al-Maʾmūn as the subject of the sentence and uses *fa-ḍaraba* as well. Probably to make the point more explicit, al-Ṭabarī adds *bi-nafsihi*. Also pertinent to our discussion here is the addition by al-Ṭabarī that the execution was carried out *ṣabran*, meaning that Ibn ᶜĀʾisha's arms and legs were stretched out before the decapitation by the caliph (Lane's Lexicon, s. v. 'ṣ b r'), *cf.* Ibn Ḥabīb, *Kitāb al-Muḥabbar*, ed. I. Lichtenstädter (Beirut, n. d.), p. 489. This form of execution is clearly not the same as crucifixion, in accordance with the Roman and Western method (see Chapter 2 'Types of punishment', in C. Lange, *Justice, Punishment and the Medieval Muslim Imagination* (Cambridge, 2008), pp. 61–98, particularly pp. 62–3).

20. Ibn al-Jawzī, *al-Muntaẓam fī tārīkh al-mulūk wa-l-umam* (Beirut, 1992), 10, p. 211 and Ibn al-Athīr, *al-Kāmil fī al-tārīkh* (Beirut, 1983), 5, p. 209.
21. Al-Ṭabarī, *Taʾrīkh*, 3, pp. 1075–6 = Bosworth, *The Reunification*, pp. 147–8.
22. Al-Ṭabarī, *Taʾrīkh*, 3, p. 1074 = Bosworth, *The Reunification*, p. 146. No other Arabic primary sources provide us with any clarification of the dates.
23. Al-Ṭabarī, *Taʾrīkh*, 3, p. 1073 = Bosworth, *The Reunification*, p. 145.
24. Unless the men in prison had not heard that Ibrāhīm b. al-Mahdī had been arrested, it seems more likely that Ibn ᶜĀʾisha and the others were executed before Ibrāhīm b. al-Mahdī had been caught. I could not find any explicit confirmation of this in the primary sources, however.
25. Al-Ṭabarī, *Taʾrīkh*, 3, pp. 1074–5 = Bosworth, *The Reunification*, pp. 146–7.

mother of al-Amīn, we are told that Ibrāhīm b. al-Mahdī was granted a pardon by al-Maʾmūn during the ceremonies celebrating the consummation of his marriage to Būrān.[26] Ibrāhīm b. al-Mahdī outlived al-Maʾmūn and died in 224/839; the caliph at the time, al-Muʿtaṣim, performed the prayer rites at his funeral.[27] It is important to note that Ibrāhīm b. al-Mahdī,[28] Ibn ʿĀʾisha[29] and al- Muʿtaṣim[30] were amongst those who had fought on the side of al-Amīn against al-Maʾmūn during the civil war.[31]

AL-MAʾMŪN'S VISION OF THE CALIPHATE

To help understand why al-Maʾmūn considered it 'legitimate' to execute a notable member of the ʿAbbāsid family, it is necessary to discuss his conceptualisation of what the caliphate was and what, in his opinion, were the duties, responsibilities and rights of this institution's incumbent, the caliph.[32] The material comes mainly from letters or other documents issued in al-Maʾmūn's name and which I therefore take to represent his viewpoint on these matters. It goes without saying that al-Maʾmūn's vision carries much weight, since it was conceived prior to the establishment of what would later become the accepted norm

26. Būrān was the daughter of al-Maʾmūn's counsellor and military leader al-Ḥasan b. Sahl. Al-Ṭabarī, *Taʾrīkh*, 3, pp. 1081–3 = Bosworth, *The Reunification*, pp. 153–5.
27. Al-Tabarī, *Taʾrīkh*, 3, p. 1302 = Bosworth (trans.), *Storm and Stress along the Northern Frontiers of the Abbasid Caliphate* (Albany, 1991), p. 177. An anecdotal account of Ibrāhīm b. al-Mahdī's career is C. Barbier de Meynard, 'Ibrahim fils de Mehdi. Fragments historiques. Scène de la vie d'artiste au IIIe siècle de l'hégire (778–839 de notre ère)', *Journal Asiatique* 13 (1869), pp. 201–342; an elaborate biography of Ibrāhīm b. al-Mahdī focusing on both his political life (Part 1), as well as his accomplishments as a poet-musician (Part 2), is Badrī Muḥammad Fahd, *al-Khalīfa al-mughannī Ibrāhīm b. al-Mahdī* (Baghdad, 1967).
28. Al-Ṭabarī, *Taʾrīkh*, 3, pp. 908–9 = Michael Fishbein (trans.), *The War Between Brothers* (Albany, 1992), pp. 178–9.
29. Al-Ṭabarī, *Taʾrīkh*, 3, p. 891 = Fishbein, *War between Brothers*, p. 159.
30. Al-Ṭabarī, *Taʾrīkh*, 3, p. 933 = Fishbein, *War between Brothers*, p. 206.
31. That al-Muʿtaṣim personally prayed over Ibrāhim b. al-Mahdī is one of many pieces of evidence that ultimately the pro-al-Amīn faction of the ʿAbbāsid family had regained their position after al-Maʾmūn's caliphate, see J. A. Nawas, 'All in the family?'
32. For more information on al-Maʾmūn's conceptualisation of the caliphate, see J. A. Nawas, *Al-Maʾmūn: Miḥna and Caliphate* (Nijmegen, 1992), pp. 52–5, more especially with reference to his introduction of the *miḥna*, J. A. Nawas, 'A reexamination of three current explanations for al Maʾmun's introduction of the Mihna', *International Journal of Middle East Studies* 26 (1994), pp. 615–29 and J. A. Nawas, 'The Mihna of 218 A.H./833 A.D. revisited: an empirical study', *Journal of the American Oriental Society* 116 (1996), pp. 698–708.

in Islamic law for the triangular relationship between the caliph, the Islamic Community (*umma*) and, in particular, the religious scholars (*ᶜulamāᵓ*).

Al-Maᵓmūn's vision of the caliphate and the caliph comprises two principal components. The first centres on the caliph's position within the domain of God and the Prophet. Second, al-Maᵓmūn had a clear idea about the caliph's duties to these higher powers, as well as the caliph's obligations to the *umma* and the nature of the caliph's authority over the *umma*.

In general, al-Maᵓmūn considered the caliph as being the representative both of God and the Prophet.[33] This conceptualisation fits well with how he saw the caliphal institution. The caliphate, according to al-Maᵓmūn, is an institution wrought by God, as had been the position of the institution's incumbent, the caliph: both were the bulwark of Islam and its protector.[34] Al-Maᵓmūn, who referred to himself as being an imam, declared the caliph to be the deputy or representative of God. As an auxiliary to this aspect, al-Maᵓmūn considered the caliph to also be the representative of the Prophet Muḥammad. Indeed, al-Maᵓmūn went so far as to assert that he was even the inheritor of prophethood.[35] Al-Maᵓmūn

33. In the text in which he designated ᶜAlī al-Riḍā as heir in 201/817 (al-Irbilī, *Kashf al-ghumma fī maᶜrifat al-aᵓimma* (Qumm, 1961–2), 3, p. 124); in a letter written to his governor al-Ḥasan b. Sahl in 202/817–18 (A. Z. Ṣafwat, *Jamharat rasāᵓil al-ᶜarab* (Cairo, 1937), 3, p. 426–7); in a letter written in 209/824–5 to Naṣr b. Shabath, which convinced him to go to al-Maᵓmūn in Baghdad, an event that led to the arrest of Ibn ᶜĀᵓisha and his allies reported above (al-Ṭabarī, *Taᵓrīkh*, 3, pp. 1069–70 = Bosworth, *The Reunification*, p. 141); al-Maᵓmūn repeated his claim in 210/825–6 to be the representative of both God and the Prophet (al-Balādhurī, *Futūḥ al-buldān* (Cairo, 1957), p. 37) and finally in 218/833 in the letters concerning his introduction of the *miḥna* (al-Tabarī, *Taᵓrīkh*, 3, p. 1117 = Bosworth, *The Reunification*, p. 205). Al-Maᵓmūn's claim that the caliph is the representative of God, though somewhat removed from the other source material used here, is also encountered in a poem that refers to *all* the ᶜAbbāsid caliphs as God's representatives (al-Iṣbahānī, *Kitāb al-Aghānī* (Beirut, 1983), 19, p. 331). An analysis and alternative hypothesis to the orthodox Sunnī view of the caliph and the caliphate from the beginning of the institution up to the early ᶜAbbāsid period is P. Crone and M. Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge, 1986).

34. Al-Irbilī, *Kashf al-Ghumma*, 3, pp. 124–5; Ṣafwat, *Jamharat*, 'Risālat al-khamīs', 3, pp. 317–34, a letter directed to the army to justify al-Maᵓmūn's decision to depose his brother al-Amīn, written after the latter's death; a French translation of this extremely difficult Arabic text is A. Arazi and A. Elad, '"L'épître à l'armée": Al-Maᵓmūn et la seconde daᶜwa. (Première partie.)', *Studia Islamica* 66 (1987), pp. 27–70 and A. Arazi and A. Elad, '"L'épître à l'armée": Al-Maᵓmūn et la seconde daᶜwa. (Seconde partie.)', *Studia Islamica* 67 (1988), pp. 29–73.

35. Al-Ṭabarī, *Taᵓrīkh*, 3, p. 1112 = Bosworth, *The Reunification*, pp. 199–200: '. . . *fa-inna ḥaqq Allāh ᶜalā aᵓimmat al-muslimīn wa-khulafāᵓihim . . . wa mawārīth al-nubuwwa llatī awrathahum . . .*'.

also believed that he, as caliph, was inspired by God to realise God's intent on earth. He believed that God inspired him to do what he had to do as caliph, but that he also had, unlike others, the capability to recognise God as he really is.[36] The caliph had special merits, unlike his brother al-Amīn, according to the views espoused by al-Maʾmūn. These features sanctified the office of caliph.[37]

The sanctimony that al-Maʾmūn attributed to the caliph becomes more discernible as he further specified what the duties of the caliph and the caliphal institution were: the caliph was assigned by God to guard God's religion and laws. It was the caliph's duty to combat the unbelievers, protect the unity of the state and stem the tide of civil discord, while maintaining security and public order alongside access to the Holy Places. Obedience to, and fear of, God was a theme that al-Maʾmūn attached to the caliph and one which he continued to stress throughout his reign. A caliph's behaviour is directed at acquiring God's favour, while fearing God's punishment.[38]

The caliph must follow the path of the Prophet and, as such, serve as a model for the believers amongst his subjects. Moreover, the caliph must put the well-being of his subjects above any personal inclination and is guided by the principle of justice. During his entire reign, al-Maʾmūn considered it the subjects' duty to obey their caliph.[39] In more than one way, the caliph emphasised the wide range of authority he ascribed to the caliphal institution – amongst other elements, the use of the sword is justifiable to help secure compliance with the caliph's wishes.[40] Ultimately, al-Maʾmūn considered the caliph to be an educator and, as such, the caliph could overrule a judge if he did not agree with the verdict or, according to this view, it was the caliph who decided who may and who may not transmit *ḥadīth*. The primary justification for this was al-Maʾmūn's contention that his aim as an educator was to save the souls of his subjects by making sure that they followed the right path – a path which the caliph defined for them.[41]

36. Ṣafwat, *Jamharat*, 3, pp. 426–7; al-Irbilī, *Kashf al-Ghumma*, 3, pp. 124–5; al-Ṭabarī, *Taʾrīkh*, 3, pp. 1112–13 = Bosworth, *The Reunification*, pp. 199–200.
37. *Cf.* Ṣafwat, *Jamharat*, 'Risālat al-khamīs', 3, pp. 317–34.
38. Al-Masʿūdī, *Murūj al-dhahab wa-maʿādin al-jawhar* (Beirut, 1983), 4, pp. 332–4; al-Ṭabarī, *Taʾrīkh*, 3, pp. 1112, 1117 = Bosworth, *The Reunification*, pp. 200, 205; Ṣafwat, *Jamharat*, 3, pp. 426–7; al-Irbilī, *Kashf al-Ghumma*, 3, pp. 124–5.
39. Al-Balādhurī, *Futūḥ*, p. 33; al-Irbilī, *Kashf al-Ghumma*, 3, pp. 124–5; al-Ṭabarī, *Taʾrīkh*, 3, pp. 1137–8 = Bosworth, *The Reunification*, pp. 226–8; al-Yaʿqūbī, *Taʾrīkh* (Beirut, n. d.), 2, p. 438.
40. Al-Ṭabarī, *Taʾrīkh*, 3, pp. 1126 = Bosworth, *The Reunification*, p. 216.
41. Al-Jahshiyārī, *Kitāb al-Wuzarāʾ wa-l-kuttāb* (Cairo, [1357] 1938); al-Ṭabarī, *Taʾrīkh*, 3, pp. 1117, 1125 = Bosworth, *The Reunification*, pp. 205–6, 214; al-Irbilī, *Kashf al-Ghumma*, 3, pp. 124–5; Ṣafwat, *Jamharat*, 3, pp. 317–34.

Demarcating Legitimate ᶜAbbāsid State Violence

As far as I know, the best definition of the concept of 'power' was formulated by Max Weber, and social scientists after him have not really been able to improve on it.[42] According to Weber, power is legitimised authority. The genius of Weber's definition is that he brings three key elements to bear in this definition: the concept of power is directly linked to legitimacy and authority. Without legitimacy, there is no authority. Without legitimised authority, there is no power. This is ultimately the reason why the state has acquired a monopoly in the use of power, as is the case today in contemporary societies. Only the state – or, in our case, the caliphate – has the right to use the sword.

In expanding our analysis somewhat, it is perhaps useful to distinguish between two aspects: first, Ibn ᶜĀᵓisha, who was an ᶜAbbāsid on both sides, as we have seen, was made an example of by al-Maᵓmūn for the entire ᶜAbbāsid family. Just like that other ᶜAbbāsid on both sides before him, al-Amīn (though at the time, as stated earlier, al-Maᵓmūn dissociated himself from the act), Ibn ᶜĀᵓisha perished: he was humiliated and, in strong contrast to what had happened to al-Amīn, he was decapitated by the caliph himself. The message of Ibn ᶜĀᵓisha's execution was now clear: no matter who you are, this is the punishment for someone who rebels against a functionary that God has bestowed with sanctity.

Second, in accordance with al-Maᵓmūn's views, it was the caliph's responsibility to exert his power to protect the caliphate, the caliph and, by extension, the *umma*. By deciding to personally execute the recalcitrant Ibn ᶜĀᵓisha, al-Maᵓmūn asserted his power by stressing his legitimate authority to do what he deemed to be the correct thing to do; it was his *duty* to get rid of this rebel, even though he was his cousin, to secure peace and safety for the Islamic Community.

42. Weber's analysis of power, authority and legitimacy, with reference to the early Weber's caliphate, is found in J. A. Nawas, 'Theoretical underpinnings of the construct of absolutism: a contribution to the comparative study of history', *Occasional Paper, Number 19, MERA/Middle East Research Associates* (Amsterdam, 1993), pp. 1–19. A practical application of the study of the often alleged 'absolute power' of Hārūn al-Rashīd is J. A. Nawas, 'Toward fresh directions in historical research: an experiment in methodology using the putative "absolutism" of Hârûn al-Rashîd as a test case', *Der Islam* 70 (1993), pp. 1–51. The most important finding of the last mentioned article is that there is much bias on the part of authors who have written on al-Rashīd's 'absolute' power, reverberating in many ways a number of K. A. Wittfogel's flawed notions expressed in his *Oriental Despotism: A Comparative Study of Total Power* (New Haven, 1957). There is no reason to assume that absolute power in the East was fundamentally different from absolute power in the West, though the manner in which each was expressed differed according to varying cultural contexts.

As such, this deed was clearly legitimate from al-Maʾmūn's perspective; he was protecting the caliphal institution, its incumbent and hence the *umma* he was to guide.

Al-Maʾmūn claimed much authority for the caliph and caliphate. His dealing with Ibn ʿĀʾisha comes very close to Ibn al-Muqaffaʿ's advice to the ʿAbbāsid caliph al-Manṣūr (r. 136–58/754–75): it was *siyāsa* beyond the framework of the *sharīʿa* that was evolving. The later concept of *siyāsa* as defined by the *ʿulamāʾ* would limit the ruler's authority, because they made this authority subservient to the *sharīʿa*.[43]

God not only sanctified the caliph for secular matters, but also, according to al-Maʾmūn, for spiritual ones – a claim which al-Maʾmūn would start to further materialise about one year after the execution of Ibn ʿĀʾisha by issuing religious dogmas that he considered obligatory for all Muslims.[44] The domain of the spiritual, however, became, in the end, the turf of the *ʿulamāʾ*, as the caliphate lost its battle to claim religious authority for itself.[45] For al-Maʾmūn, the caliph could dismiss a judge or decide who may or may not transmit *ḥadith*, therefore the execution of a traitor and conspirator was perhaps peanuts in comparison with what al-Maʾmūn envisioned as the real role of a caliph. Al-Maʾmūn executed his rebel cousin himself to underscore his warning to the other ʿAbbāsids to keep in place, but also – and this is just as important – to buttress the sacredness of his standing and stature as caliph. The execution of Ibn ʿĀʾisha represents perhaps the apogee of legitimacy to which an early ʿAbbāsid caliph could hope to strive for. Events, however, had already led to the gradual loss of the state's central power – a process that had previously started under Hārūn al-Rashīd. Al-Maʾmūn attempted to strengthen the caliphal institution, but he failed, as did his direct successors to the caliphate.[46]

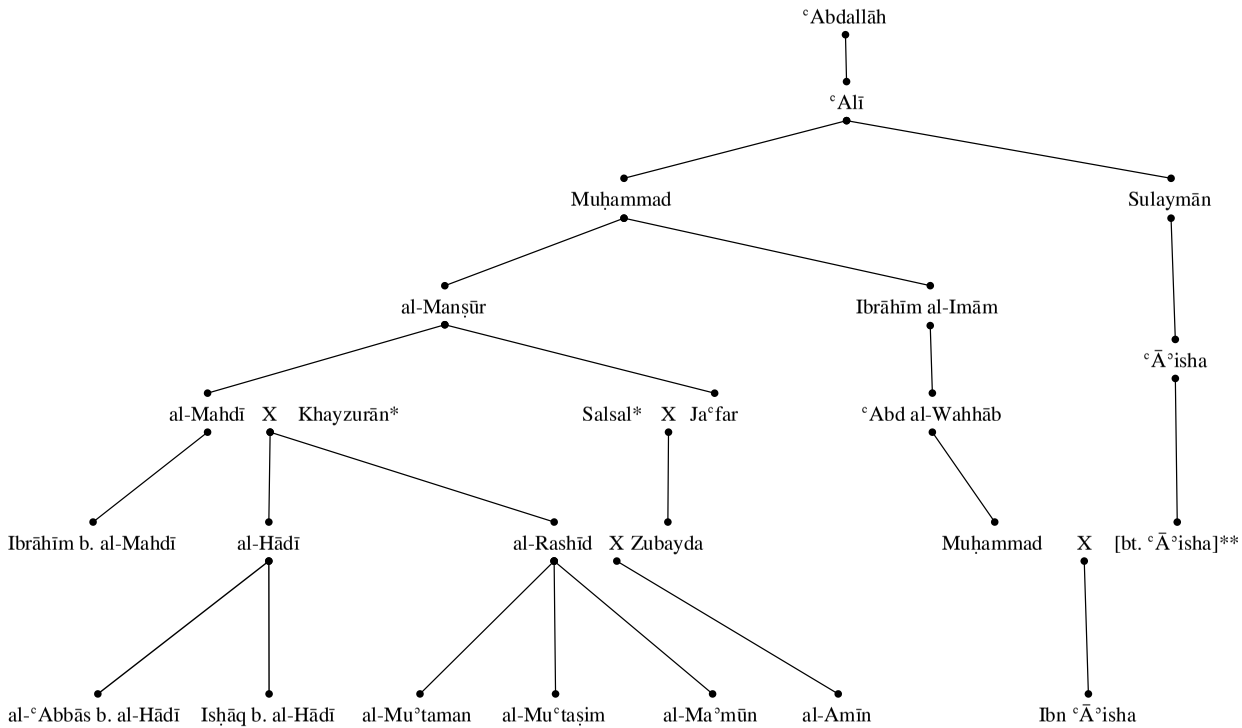
Relating al-Maʾmūn's view on the caliph and caliphate to the arrest and

43. '*Siyāsa*: 3. In the sense of *siyāsa sharʿiyya*', in F. E. Vogel, '*Siyāsa* 3. *Siyāsa Sharʿiyya*', in *EI2*.
44. In 211/826–7, al-Maʾmūn ordered that it was illegal for anyone to mention the Umayyad caliph Muʿāwiya in a positive way or to give him any superiority above other Companions of the Prophet (al-Ṭabarī, *Taʾrīkh*, 3, p. 1098 = Bosworth, *The Reunification*, p. 175). In 212/827–8, al-Maʾmūn first announced in public the doctrine of the createdness of the Qurʾān (*khalq al-qurʾān*), which would become the touchstone for the inquisition or *miḥna* that the caliph started six years later. In the same year of 212/827–8, al-Maʾmūn also publicly proclaimed that ʿAlī b. Abī Ṭālib was the best human being after the Prophet Muḥammad (the *tafḍīl ʿAlī* doctrine) (al-Ṭabarī, *Taʾrīkh*, 3, p. 1099 = Bosworth, *The Reunification*, pp. 176–7).
45. J. A. Nawas, 'A reexamination'.
46. As further elaborated in J. A. Nawas, 'All in the family?'

execution of Ibn ᶜĀᵓisha, it can be concluded that al-Maᵓmūn had acted well within the bounds of the conceptual framework he himself had put forward – and would continue to uphold until his demise – that it was the caliph's legitimate right, no, the caliph's sacred duty to dispense with a rebel who very much tried to destroy the caliph's special status not only vis-à-vis God, the Prophet and his ᶜAbbāsid family, but also vis-à-vis the members of the Islamic Community.[47]

47. It is interesting to note here a difference in approach between the third/ninth century al-Maᵓmūn and the fourth/tenth century Umayyad caliph of al-Andalus, ᶜAbd al-Raḥmān III, who personally executed his own son, who had allegedly planned a coup d'état against his father. ᶜAbd al-Raḥmān III used religious metaphor by slaughtering his son at the Festival of Sacrifice (*ᶜīd al-aḍḥā*), according to the manner in which an animal would ritually be slaughtered on this day. Other later day Islamic rulers also introduced a religious element in legitimising execution, as shown in M. Fierro, 'Emulating Abraham: the Fāṭimid al-Qāᵓim and the Umayyad ᶜAbd al-Raḥmān III', in *Public Violence in Islamic Societies*, eds C. Lange and M. Fierro (Edinburgh, 2009), pp. 130–55. This discrepancy between al-Maᵓmūn's execution of his cousin and later Islamic rulers is telling, in that it suggests that the religious dimension became increasingly important as time went by. The later rulers, unlike al-Maᵓmūn, incorporated religion to reinforce their justification of the deed performed. According to al-Maᵓmūn's vision, as we have seen above, he saw no need to do this; the caliph's decision is in itself sufficient, and no questions were to be asked that challenged the caliph's ruling.

Appendix
Lineage of ᶜAbbāsids mentioned in the article



* Khayzurān and Salsal are sisters

** Name unknown

CHAPTER

9

THE SULTAN AND THE DEFIANT PRINCE IN HUNTING COMPETITION: QUESTIONS OF LEGITIMACY IN HUNTING EPISODES OF TABARISTĀN

*Miklós Sárközy**

The provinces of Northern Iran, the region south of the Caspian Sea, had a particular role in the Arab conquest of Iran. Their geographical isolation, mountainous regions, steamy and often intolerable sub-Mediterranean climate and thick forests caused many difficulties for the early Muslim conquerors in the seventh century AD. The ᶜAbbāsid empire could only penetrate into the mountains of Ṭabaristān and the valleys of Māzandarān in the second half of the eighth century.

In this chapter, I analyse some legends concerning the early Islamic period of the central provinces of the Caspian regions Ṭabaristān and Māzandarān. On the basis of some of the evidence, it seems that these stories could be linked with the myths of the last pre-Islamic Iranian empire – that of the Sāsānians.

ṬABARISTĀN IN THE SEVENTH–NINTH CENTURIES AD

In the early Middle Ages, the province now called Māzandarān was divided into two main regions. Its inner, mountainous zone was generally called Ṭabaristān, while the very narrow, coastal plain and the surrounding hills and gentle slopes were Māzandarān. In other words, there were two main regions within this province: the *kūhistān* or *jabalīyya* and the *sāhil*. The name Ṭabaristān disappeared from the historical sources after the Mongol conquest of Iran in the thirteenth century, thus the name Māzandarān became predominant up to the present day.

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The history of Ṭabaristān differs in many ways from the early Islamic history of other Iranian provinces. Due to its 'splendid isolation', this province was an ideal retreat for numerous political movements and religious minorities.

During the late Sāsānian period and the first decades of Islam, this situation was much the same as before. After their defeat, the Mazdakites took shelter in Ṭabaristān in the sixth century, and following the Arab invasion of the Sāsānian empire in the middle of the seventh century, a considerable part of the Sāsānian aristocracy escaped to Ṭabaristān. Some of these aristocrats exploiting the local geographical circumstances succeeded in governing this land for many centuries and only nominally accepted the authority of the frequently changing superior powers. Due to these archaic conditions, not only did the political structures, titles and religious trends (i.e. Zoroastrianism) deeply rooted in the Sāsānian past survive tenaciously, but in the cultural domain, too, this region was strongly connected to pre-Islamic times. Thus, the process of the emergence of the local dynasties of Ṭabaristān differs completely from the political history evolving in other Iranian provinces of the ᶜAbbāsid caliphate, where, after centuries of Islamic conquest, deputies of the central government became the founders of the first independent Islamic dynasties over the course of the ninth and tenth centuries.

In the eighth century, the ᶜAbbāsids finally managed to penetrate into Northern Iran, but only the coastal plain of Māzandarān (the *sāhil*) was occupied by them, the isolated mountains of the *kūhistān* remained only nominally subdued by the Arab governors.[1] The local principalities (Qārinwands, Bāwandids, Bādūspānids) could maintain their independence, and they often looked for allies for preserving their independent status.[2] Ṭabaristān, due to its geographical and climatic position, succeeded in maintaining its semi-independent status over the course of centuries, until the Safawid period (sixteenth century). It is also important

1. R. R. Vasmer, 'Die Eroberung Tabaristāns durch die Araber zur Zeit des Chalifen al-Mansūr', *Islamica* 3 (1927), pp. 86–150.
2. R. R. Vasmer and C. E. Bosworth, 'Māzandarān', in *EI2*. H. L. Rabino di Borgomale, 'Les dynasties du Māzandarān de l'an 50 avant l'Hégire à l'an 1006 de l'Hégire (572 à 1597–8) d'après les chroniques locales', *Journal Asiatique* 228 (1936), pp. 397–474; W. Madelung, 'The minor dynasties of Northern Iran', in *The Cambridge History of Iran, Vol. 4*, ed. R. N. Frye (Cambridge, 1975), pp. 198–226 and C. E. Bosworth, 'The political and dynastic history of the Iranian world (A.D. 1000–217)', in *The Cambridge History of Iran, Vol. 5*, ed. J. A. Boyle (Cambridge, 1968), pp. 1–202; A. K. S. Lambton, 'Persian local histories: the tradition behind them and the assumptions of their authors', in *Yādnāma*, *in memoria di Alessandro Bausani*, eds B. Scarcia and L. Rostagno (Rome, 1991), pp. 227–38; C. Melville, 'The Caspian provinces: a world apart, three local histories of Māzandarān', *Iranian Studies* 33.1–2 (2000), pp. 45–91.

to note that its territory was always divided among the above-mentioned local families. The isolated position of Ṭabaristān also contributed significantly to the tenacious survival of the ancient legends of pre-Islamic Persia in this Northern Iranian area.

THE LOCAL SOURCES OF ṬABARISTĀN

Ṭabaristān has a rich historiographical literature. Sources of great historical value have been known to us from the beginning of the thirteenth century. The first local work was written in the thirteenth century, and up to the nineteenth century AD there emerged a series of other compilations dealing with the local history of the Caspian region.

The most important sources about Ṭabaristān are the works of Ibn Isfandyār, Āmulī and Marᶜashī. These are the earliest sources containing the most valuable stories about the first rulers after the fall of the Sāsānians. The works written after the fifteenth century AD (i.e. after Marᶜashī) mainly repeat the accounts found in previous works, which is why their analysis is beyond the scope of this article. The earliest work and one of high importance regarding Ṭabaristān is Ibn Isfandyār's *Tārīkh-i Ṭabaristān*, which contains valuable historical material of other lost sources about the pre-Islamic past and the early Islamic period of Ṭabaristān. A diplomat and courtier of the Bāwandid rulers, Ibn Isfandyār started writing his work at the time of the murder of the Bāwandid isfahbad Naṣīr al-Dawla Ardashīr, around 1210 AD. Ibn Isfandyār collected many, by now lost, sources for his historical work, which is the earliest classical Persian chronicle on the history of this region.[3] Ibn Isfandyār did not finish his book: he may have been killed by the Mongols during their invasion of the Khwārizmian empire in 1219–20. The *terminus ante quem* for his life mentioned by him in the *Tārīkh-i Ṭabaristān* is 1216. However, afterwards, his work was continued by an unknown author or authors up to the fall of the last Bāwandid ruler in the fourteenth century.

The legends of Ṭabaristān preserved in the *Tārīkh-i Ṭabaristān* of Ibn Isfandyār contain many archaic elements, which reflect the strong influence of the pre-Islamic past tenaciously surviving in Ṭabaristān. One of these stories is the hunting episode of two petty Bāwandid princes and their encounter with Seljuq rulers in the first half of the twelfth century.

3. Bahā al-Dīn Muḥammad b. Ḥasan b. Isfandyār, *Tārīkh-i Ṭabaristān*, ed. ᶜA. Iqbāl (Tehran, [1320] 1941); C. Melville, 'Ebn Esfandiār', in *Encyclopaedia Iranica*. Available at: http://www.iranicaonline.org/articles/ebn-esfandiar (accessed 1 June 2014).

THE RISE OF THE ISFAHBADIYYA BRANCH OF THE BĀWANDIDS AND THE DECLINING SELJUQ POWER

When the rule of the Seljuq dynasty began to weaken, due to the inner struggles between the sons and grandsons of the great Malikshāh at the beginning of the twelfth century, this coincided with the awakening of some local dynasties, who exploited the civil war of the Seljuq dynasty.[4] By 1105, when Muḥammad b. Malikshāh acceded to the throne, various provinces of his realm had risen up against the Seljuqs. In the case of Ṭabaristān, we can see the rapid emergence of a new branch of the well-established ancient Bāwandid dynasty. The different branches of this dynasty had ruled large parts of these areas since the second half of the eighth century.

After some decades of internal strife and disintegration, the Iṣfahbadiyya branch of the Bāwandids sought to extend their influence in Northern Iran (including areas beyond the borders of Ṭabaristān) and consequently had many clashes with the Seljuqs, who also tried to re-establish their power, following the period of wars between Malikshāh's descendants. During the rule of Muḥammad b. Malikshāh (1105–18), the Seljuqs led various military campaigns against Ṭabaristān in 1107. After various unsuccessful military campaigns and attempts to defeat this independent-minded dynasty, Muḥammad b. Malikshāh soon realised his failure to conquer Ṭabaristān and began to follow different tactics. By inviting Najm al-Dawla Qārin, the crown prince and the eldest son of the Bāwandid ruler Ḥusām al-Dawla Shahryār, the Seljuq ruler tried to appease his Bāwandid rivals through the splendour of his court and offered them his alliance through dynastic marriages.

The abolition of a military solution and the new strategy set out by Sultan Muḥammad can be considered a clear sign of weakness of the Seljuq government. Fearing that he would be imprisoned and executed because of his previous successes against Seljuq military leaders, the Bāwandid crown prince refused the invitation. The iṣfahbad of Ṭabaristān, Ḥusām al-Dawla Shahryār (1093–110), fearing that this refusal would generate another Seljuq military expedition against Ṭabaristān, preferred one of his younger sons, ʿAlā al-Dawla ʿAlī, who voluntarily agreed to travel to Esfahan. The young and ambitious Bāwandid prince showed no hesitation in joining the Seljuq diplomats and soon arrived at the court of Muḥammad b. Malikshāh, where he was warmly welcomed with a

4. Madelung, 'The minor dynasties'; W. Madelung, 'Āl-e Bāvand', in *Encyclopaedia Iranica*. Available at: http://www.iranicaonline.org/articles/al-e-bavand (accessed 1 June 2014).

lavish ceremony, according to the *Tārīkh-i Ṭabaristān*. The young Bāwandid prince accompanied the Seljuq ruler to his hunting feasts.

THE FIRST HUNTING COMPETITION (MUḤAMMAD B. MALIKSHĀH AND ʿALĀ AL-DAWLA ʿALĪ)

سلطان دیگر باره رسولان فرستاد و گفت باید که فرزندی را پیش ما فرستی تا با فرزندان ما باشد. چون رسولان پیش حسام الدوله رسیدند و پیام سلطان گزاردند اصفهبد گفت فرزندان خویش بدان قرار فرستم به سلطان سوگند خورد و با ایشان خویشی کند. رسولان با حضرت سلطان شدند و برین موجب عهد کرند و باز پیش اصفهبد آمدند. اصفهبد فرزندان خویش را حاضر کرد و پیغام سلطان با ایشان گفت و فرمود که با سلطان بسیار حرکات کردیم و امرای او را کشته و شکسته واین ساعت مارا بخویشاوندی و صلب با شما قبول کرده است کدام فرزند است که رغبت خدمت او میکند؟ هیچ از فرزندان جواب ندادند و نجم الدوله قارن خود از آنکه حشم را او شکسته بود نیارست پیش سلطان شدن تا اصفهبد علا الدوله علی بن شهریار برخاست و زمین را بوسه داد و گفت بنده بفرمان خداوند کمر این خدمت برمیان بندد... و چون سلطان واقف گشت امر او معارف و ملوک را باستقبال فرستاد و بسرای نزدیک خویش فرو آورد و فردا پیش خیوش برد و روزی دیگر بشکار برد و زوبین فرمود افگند چندانکه تیر ایشان بشدی اصفهبد زوبین انداختی. سلطان گفت آرزوی تو چیست، و گفت من برای آرزو خویش نیامدم برای خدمت سلطان آمدم و رضای پدر. معارف درگاه او را بر آن داشتند که با سلطان خویشی کند و او از بیم برادر نجم الدوله قارن زهره نداشت که رغبت کند گفت سلطان این تشریف برادر مهین را ارزانی دارد که پادشاه و مخدوم من اوست،سلطان را پسندیده آمد و خواهر خود را بنجم الدوله عقد فرمود کر د بحضور اصفهبد علا الدوله وهمانجا داشت و او را با تشریف گسیل کرد.[5]

So the sultan sent again envoys . . . you must send us one of your sons in order to be held with our children. When the envoys arrived to Ḥusām al-Dawla and gave him the message of the sultan, the iṣfahbad said, 'I send the Sultan my children on the understanding that the sultan swears (not to hurt them) and treats them like his own sons'. The envoys went to his Highness the sultan, they agreed on these conditions, and returned again to the iṣfahbad. The iṣfahbad summoned his sons and told them the message of the sultan, the iṣfahbad said: 'We have fought the sultan a lot and we killed and annihilated his amīrs but now he accepted us as his relatives and his stronghold by you. Which of my sons wishes to serve the sultan?' None of his sons replied and Najm al-Dawla because of annihilating the servants of the sultan did not dare to go to the sultan until iṣfahbad ʿAlā al-Dawla ʿAlī b. Shahryār stood up and kissed the earth and said: 'By the order of my King I take on the girdle of this service'.

And then the sultan became aware of his matters he sent his courtiers and princes and he had his sons dismounted from their horses (in the presence of ʿAlā al-Dawla ʿAlī b. Shahryār) and the next day he brought him to himself, and

5. Ibn Isfandyār, *Tārīkh*, 2, pp. 34–6. These are excerpts from the texts found at these pages.

> the forthcoming day he took him to hunt. The prince threw his mace as far as the sultan shot with his arrow and he regularly threw it further (than the sultan shot his arrow). The sultan said: 'What is your desire?' ʿAlā al-Dawla ʿAlī said, 'I did not come for my desire, I came for the service of the sultan and for the satisfaction of my father'. The courtiers encouraged ʿAlā al-Dawla ʿAlī that he must be the relative of the sultan but he, because of the fear of his brother Najm al-Dawla Qārin, had no courage to seek marriage (to one of the relatives of the sultan). The prince said, 'The Sultan should give this honour to my elder brother, since he is my king and I serve him'. The sultan liked this opinion and he ordered his sister to be engaged to Najm al-Dawla Qārin in the presence of ʿAlā al-Dawla and he made this ceremony immediately and dispatched ʿAlā al-Dawla with honours to his home.

According to the *Tārīkh-i Ṭabaristān*, the Seljuq ruler was amazed by the skills and talent that the young Bāwandid prince showed at hunting and *čawgān* (polo), and by throwing his mace as far as the sultan's arrow he clearly showed his superiority over the Seljuq ruler.

After the Bāwandid prince proved his superior skill in hunting, Ibn Isfandyār says that the Seljuq ruler praised the virtue of the young Bāwandid prince, who was entreated to remain in Isfahan and become the brother-in-law of the Seljuq king. But ʿAlā al-Dawla ʿAlī refused the proposed marriage, fearing that his brother, Najm al-Dawla Qārin, would kill him upon his return to Ṭabaristān. However, when ʿAlā al-Dawla ʿAlī reached Ṭabaristān, the courtiers of his father praised the personal bravery of ʿAlā al-Dawla ʿAlī. On the other hand, not everybody was happy to recognise his successes. At least one person became immensely furious when hearing the adventures of ʿAlā al-Dawla ʿAlī – his envious brother, Najm al-Dawla Qārin. He feared that the advantage of his younger brother would undermine his claim to be the next ruler of Ṭabaristān.

The second hunting competition (Muḥammad b. Malikshāh and Najm al-Dawla Qārin)

According to the *Tārīkh-i Ṭabaristān*, ʿAlā al-Dawla ʿAlī's elder brother, the furious Najm al-Dawla Qārin, rebuked his brother and accused him of betrayal, fearing that his younger brother aspired to become the new crown prince of Ṭabaristān. Apart from rebuking his brother, Najm al-Dawla Qārin now felt pressured to visit the Seljuq court, in order to demonstrate his own skills in the presence of the Seljuq ruler, which he thought were superior to those of his brother. Thus, according to Ibn Isfandyār, he also went to Bagdad, where he met Muḥammad b. Malikshāh.

و اصفهبد بخدمت پدر باز رسید و پدر چون او را دید خدایرا شکر کرد و از او احوال باز پرسید و چون فارغ شدند گفت پیش برادر شود قارن و او را خدمت کند بفرمان پدر برخاست و بدر سرای برادر شد. قارن او را بار نداد بعد مدتی که بدرگاه برادر باستاد باز گشت با خدمت پدر آمد و ببرادر پیغام داد که من برای رضا و فرمان پدر پیش تو آمدم، چون تو بار نمیدهی بعد از این نیایم، پدر چون این شنید دلتنگ شد بفرستاد قارن را خواند و ملامت کرد،.قارن از خدمت پدر بیرون آمد و با برادر دشمنی ظاهر گردانید و ساز خویش بکرد و از پدر اجازت خواست و براه ویمه بیرون شد و سلطان ببغداد بود آنجا رفت و او بنفسه مردی بود که در عهد او سوار نبود بمردانگی، چون او ببغداد رسید سلطان او را استقبال کرد و عرب و عجم بدیدار او بنظاره آمدند و چون او بمیدان گوی بچوگان گرفتی هیچ خلق از وی نتوانستندی ربود و بمدت ملک او صفت او برود. بعد مدتی سلطان با اصفهان آمد و خواهر با او سپرد و همانجا باصفهان زفاف رفت و بکارت برداشت و با نعمت و جهاز بسیار روی بطبرستان نهاد.[6]

And then ʿAlā al-Dawla ʿAlī returned to the service of his father and when his father saw him he thanked God and he asked about his condition. And when they finished, Ḥusām al-Dawla Shahryār told ʿAlā al-Dawla that he should go to his brother Qārin and he should serve him. ʿAlā al-Dawla rose up and went to the gate of the palace of his brother, but Qārin did not give him audience. ʿAlā al-Dawla stood for a while in the court of his brother, then he returned to the service of his father. And he sent a message to his brother saying, 'I came to you for the sake of my father's satisfaction and by his order, but since you do not give me audience, from now on I will not come to you'. When his father heard this he became unhappy, he sent an envoy to Qārin, he summoned him and rebuked him; Qārin went out the service of his father and he became openly hostile against ʿAlā al-Dawla, and he equipped himself and got permission from his father and he left Ṭabaristān on the road of Vima and the sultan was in Bagdad and Najm al-Dawla Qārin went there. And Najm al-Dawla Qārin was such a man himself that no one was such an (excellent) rider like him in his age in chivalry. When he reached Bagdad, the sultan gave him audience and the Arabs and the Persians (non-Arabs) came to see Najm al-Dawla Qārin, and every time when he started to play with the ball at the polo field nobody could steal the ball from him and during his rule in polo nobody could take his (ball) possession from him. Then the sultan came to Isfahan for a while and he gave Najm al-Dawla Qārin his sister and at the same place the consummation of the marriage took place and Najm al-Dawla Qārin took the princess's virginity and with numerous honours and equipments (gifts) he turned towards Ṭabaristān.[7]

Najm al-Dawla Qārin was also celebrated at the Seljuq court and was praised both by the Iranian and Arab courtiers for his bravery. He received a warm

6. Ibn Isfandyār, *Tārīkh*, 2, p. 36. Excerpts from the texts found at these pages.
7. The present author's translation from the original source.

welcome in Baghdad and, like his younger brother ᶜAlā al-Dawla ᶜAlī, his physical skills were tested on the *čawgān* (polo) field. Najm al-Dawla not only demonstrated his talent in polo, but he also, unlike his brother, eventually accepted the marriage proposed by Muḥammad b. Malikshāh and soon became the brother-in-law of the Seljuq ruler. Having successfully completed his diplomatic mission at the Seljuq court, Najm al-Dawla Qārin returned to Ṭabaristān.

Not long after, upon the death of their father in 1110, an open war broke out between himself and his younger brother, ᶜAlā al-Dawla ᶜAlī, which ended ten years later in 1120 with the victory of ᶜAlā al-Dawla ᶜAlī. The ambitious ᶜAlā al-Dawla ᶜAlī completely eliminated the sons and grandsons of Najm al-Dawla Qārin between 1115 and 1120, after the death of his elder brother (in 1115), thus succeeding in saving his rule against the descendants of Najm al-Dawla Qārin. As for the relationship of the two contending princes with the Seljuq court, it is worth noting that after the death of Najm al-Dawla Qārin, his victorious younger brother ᶜAlā al-Dawla ᶜAlī married the widowed Seljuq princess, the same with whom marriage had been proposed to him many years before in the Seljuq court.

CONCLUSIONS

As for the conclusions of these episodes, one can summarise these hunting stories with two points:

1. *Political conclusions*: The whole scenario drawn by Ibn Isfandyār reflects the disintegration of the central government of the Seljuqs at the beginning of the twelfth century AD, and the rise of the Iṣfahbadiyya branch of the Bāwandids in Ṭabaristān symbolises the strengthening position of local dynasties at the expense of the Seljuqs. In sum, the Iṣfahbadiyya branch successfully exploited the sharp division of the Seljuq principalities. They reached the zenith of their power in the middle of the twelfth century under ᶜAlā al-Dawla ᶜAlī (1120–41) and his son, Shāh Ghāzī Rustam (1141–65), who attempted to build a Northern Iranian local kingdom far beyond the borders of Ṭabaristān. The hunting stories, with all these legendary elements, symbolise the aspirations of the Bāwandid power and their triumph over their Seljuq rivals.
2. *Hunting and legitimacy*: By violating the rules of hunting and polo at the court, both of the Bāwandid princes showed their superiority over the Seljuq sultan. This act of deliberate violation of royal legitimacy proved not only their better hunting abilities over Muḥammad b. Malikshāh, but also reflected the clear political superiority of the Bāwandid dynasty over a weakening Seljuq government.

Here we can observe a double structure, since the victory of the two princes has a double meaning. First, both of them duel with the Seljuq ruler and both of them successfully emerge victorious against their Seljuq counterpart. However, at the same time, there is another kind of conflict – an inner clash between the Bāwandid princes. With their superiority in riding and hunting and with the deliberate violation of the legitimacy of the Seljuq ruler, the *Tārīkh-i Ṭabaristān* foreshadows their later fight for power, which lasted more than ten years.

The concept of hunting as a symbol of political propaganda was deeply rooted in the culture of the ancient Near East.[8] The king as a successful hunter could prove his abilities to govern an empire, and the cult of hunting was a certain kind of preparation for the times of battle and fighting. In Iran, the widespread cult of the so-called *paradeisoi* (hunting parks) as a symbol of a petty empire attests to the immense popularity of hunting from the time of the Old Persian empire.[9] The continuous use of hunting scenarios on Sasanian reliefs, as well as in many epic stories of the *Shāhnāma*, again reaffirms the importance of hunting, as it was strongly connected to political and ideological purposes.[10] Hunting as a form of violence that demonstrates a future ruler's ability to carry out subsequent legitimate violent acts was a point of continuity between the pre-Islamic and the Islamic periods.

From ancient times, the Persian royal hunters had a special right in their paradises called the 'Right of the First Shot' (in German: *Vor-Schuss Recht*) – i.e. no one could hunt a prey before the legal ruler himself.[11] The violation of this ancient royal privilege was always a serious assault against the rulers, which often symbolised usurpation.

In the Achaemenid and Sasanid periods, we have numerous stories about royal usurpers who challenged the Persian king's legitimacy by demonstrating their superior skills in hunting.[12] Each of these hunters soon became either the founders of a new dynasty by eliminating the rival hunter's family or was

8. W. Fauth, 'Der königlicher Gärtner und Jäger im Paradeisos, Beobachtungen zur Rolle des Herrscherrs in der vorderasiatischen Hortikultur', *Persica* 8 (1979), pp. 1–53.
9. D. Stronach, 'The garden as a political statement: some case studies from the Near East in the first millenium B.C.', *Bulletin of Asia Institute in Honor of R.N. Frye* 4 (1990), pp. 171–80; T. S. Kawami, 'Antike persische Gärten', in *Der Garten von der Antike bis zum Mittelalter*, eds M. Carrol-Spillecke et al. (Mainz am Rhein, 1992), pp. 81–97.
10. P. O. Harper, *The Royal Hunter: Art of Sassanian Empire* (London, 1978).
11. W. Knauth, *Das altiranische Fürstenideal von Xenophon bis Firdausi: nach den antiken und einheimischen Quellen dargestellt in Verbindung mit Sejfoddin Nadjmabadi* (Wiesbaden, 1975).
12. A. S. Shahbazi, 'Hunting in Iran, 2. In the pre-Islamic period', in *Encyclopaedia Iranica*. Available at: http://www.iranicaonline.org/articles/hunting-in-iran#ii (accessed 1 June 2014).

glorified by these legends as a positive hero. In every case, the usurpers tried to establish a firm legitimacy for themselves by marrying a female relative of the deposed king, and in each of these episodes one can detect the same structure, repeating itself on every occasion. The three main phases of the events of these epic stories are as follows:

1. The story begins with the hunting competition between the legal monarch and an unknown illegitimate and low-ranking prince, who challenges the monarch's legitimacy at the hunt and violates the *Vor-Schuss Recht* of the king, thus proving his superiority not only in hunting, but in fight and rule also.
2. The illegitimate prince later initiates a serious political revolt against the legitimate monarch and tries to depose him.
3. After eliminating the former legitimate king, the prince will found a new dynasty and become engaged to the family of the deposed monarch, marrying his sister or daughter in order to legitimise his own rule.

From the Achaemenid period, we have at least three cases:[13] those of Gobryas[14] in Megabyzus in Ctesias' *Persica*,[15] Tiribazus' hunting in the biography of Artaxerxes II in the *Parallel Lives* of Plutarch[16] and a similar hunting episode of Artaxerxes II and Tiribazos in the *Bibliotheca Historica* of Diodorus Siculus.[17]

This kind of violation of the ruler's legitimacy is not uncommon either in the case of Alexander the Great[18] (Alexander's hunting with Lysimachus[19] in the *Historiae Alexandri Magni* of Curtius Rufus). Finally, there is one lively example in the Middle Persian tradition: the well-known hunting episode of Ardaxshīr (Ardashīr) and the Parthian crown prince, preserved both in Middle Persian in the *Kārnāmag*[20] and in Firdausī's *Shāhnāma*.

The story of Ardashīr hunting with the Parthian crown prince is precisely echoed 600 years after the completion of the *Kārnāmag* in the hunting episodes of these Bāwandid princes and the Seljuq sultan.[21] One can see the same hunting

13. P. Briant, *Histoire de l'empire perse, de Cyrus à Alaxandre* (Paris, 1996), pp. 243–4.
14. Xenophon, *Cyroupaedia*, IV. 6.
15. Ctésias, *La Perse, L'Inde. Texte établi et traduit par K. Henry* (Brussels, 1947), p. 40c.
16. Plutarch, *Parallel Lives*, *Artaxerxes*, p. 5.
17. Diodorus Siculus, *Bibliotheca Historica*, XV.10, 3–4.
18. P. Briant, 'Sources gréco-hellénistiques, institutions perses et institutions macédoniennes, continuités, changements et bricolages', in *Achaemenid History Vol. VIII: Continuity and Change*, eds A. Kuhrt and H. Sancisi-Weerdenburg (Leiden, 1996), pp. 283–310.
19. Quintus Curtius Rufus, *Historiae Alexandri Magni* 7.1, pp. 13–16.
20. *Kārnāmag-i Ardashīr i Pāpagān*, trans. Sadegh Hedayat (Tehran, 1963), pp. 180–2.
21. P. Gignoux, *La chasse dans l'Iran sasanide* (Rome, 1983), pp. 101–18.

story in the *Shāhnāma* of Firdausī, where the hunting episode of Ardashīr is as follows:

چنان بد که روزی بنخچیرگاه پراگنده شد لشکر و پور شاه
پسر بود مر اردوانرا چهار از آن هر یک چون یکی شهریار
همی راند با اردوان اردشیر جوانمرد بد شاه را دلپذیر
بهامون پدید آمد از دور گور از آن لشکر گشن بر خاست شور
همه بادپایان بر انگیختند همی گرد با خوی بر آمیختند
همی تاخت پیش اندرون اردشیر چو نزدیک شد بر کمان راند تیر
بزد بر سرین یکی گور نر گذر کرد بر گور پیکان و پر
بیامد هم اندر زمان اردوان بدیدار افگند گور ژیان
بتیری چنین گور که افگند گفت که با دست آنکس روان باد جفت
چنین داد پاسخ بدو اردشیر که این گوررا من فگندم بتیر
پسر گفت کینرا من افگنده ام همان جفت را نیز جوینده ام
چنین داد پاسخ بدو اردشیر که دشتی فراز است و هم گور و تیر
یکی دیگر افگن برین همنشان دروغ از گناهست با سرکشان[22]

One day it occurred that the whole army and the son of the king rushed to the hunting area
Ardawān had four sons, all of whom were perfect warriors
Ardashīr rode together with Ardawān, as a knight he was beloved by the heart of the king
Suddenly there appeared an onager at the end of the valley/there was disturbance due to the army's arrival
The wind-footed warriors became bewildered and the valiant knights hurried to their task
Ardashīr rode always at the head putting an arrow on his bow when nearing the animals
He shot a he-onager on his back, both the arrow and its feather went through the body of the animal
Ardawān immediately arrived to the scene for watching the booty of the onager
Saying 'the man who killed the onager with his arrow his hand was escorted by his soul'
Ardashīr replied to him in this manner: 'this animal was shot by my arrow'
The shah's son replied, 'it was me who killed it I am still looking for its pair'
Ardashīr talked to him in this way: this valley is spacious enough, there is plenty of booties and arrows
Kill another one right now, since the untruth of a hero is through his sin

22. Abū al-Qāsim Manṣūr Firdawsī, *Shāhnāma* (4 vols), ed. J. Mohl (Tehran, [1374] 1995), 5, 154–72; l, 1460–1.

Although these stories can also be found in the famous *Shāhnāma* of Firdausī, the primary source is no doubt Sasanian tradition, and such a remote and culturally very conservative area as Ṭabaristān could be the hotbed of the surviving traditions of the heroic Sasanian past. Among other stories, the hunting episodes of the Bāwandid princes of the twelfth century are the best examples of the recycled Sasanian myths in this culturally conservative Northern Iranian atmosphere.

Despite their brevity, these passages have a clear epic character and strongly echo the pre-Islamic past. In this story of the deliberate violation of royal legitimacy in the hunting etiquette of the Seljuq court, one can see the transition of pre-Islamic traditions and how they become part of the emerging classical Persian court life.

The influence of these stories remained strong and tenacious, even after the Islamic conquest, particularly in Tabaristān, where the process of Islamisation began much later than in other Iranian provinces. Whether this hunting episode was true or not remains a question, but the whole story based on ancient myths reflects the political reality of twelfth-century Iran.

PART III

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LUST AND FLESH: ATTITUDES TO VIOLENCE AGAINST THE DEFENCELESS, INTRA-COMMUNITARIAN VIOLENCE BY NON-STATE ACTORS

CHAPTER

10

VIOLENCE AGAINST WOMEN IN ANDALUSI HISTORICAL SOURCES (THIRD/NINTH–SEVENTH/THIRTEENTH CENTURIES)

*Maribel Fierro**

Episodes of violence in historical writings may reflect the use of *topoi* – an area of study that has considerably advanced our understanding of both Islamic historiography and history.[1] For example, the attribution of unusually cruel behaviour to a particular ruler – notwithstanding the possibility that such behaviour may have a historical basis – is used to justify his deposition, especially when it coincides with dynastic change.[2] Narratives of violence against women in medieval writings[3] – still a much unexplored topic, especially as regards the

* CCHS–CSIC, Madrid. Data for this paper were initially collected within the project 'Violence and punishment in pre-modern Islamic societies (al-Andalus and the Maghreb)', Spanish Ministry of Education, BFF2002-00075 (2002–6). It has been completed within the project 'Knowledge, heresy and political culture in the Islamic West (second/eighth-ninth/fifteenth centuries) = KOHEPOCU', F03049 Advanced Research Grant, European Research Council (2009–14). I wish to thank Manuela Marín, Luis Molina and Amina Naciri for their help.

1. Albrecht Noth (with L. Conrad), *The Early Arabic Historical Tradition: A Source-Critical Study*, trans. M. Bonner (Princeton, 1994); Eduardo Manzano-Moreno, 'Oriental "*topoi*" in Andalusian historical sources', *Arabica* 39.1 (1992), pp. 42–58.
2. Maribel Fierro, 'Emulating Abraham: the Fatimid al-Qaᶜim and the Umayyad ᶜAbd al-Raḥmān III', in *Public Violence in Islamic Societies: Power, Discipline and the Construction of the Public Sphere, 7th–19th Centuries CE*, eds Christian Lange and Maribel Fierro (Edinburgh, 2009), pp. 130–55.
3. For Christendom, see Ann Roberts (ed.), *Violence against Women in Medieval Texts* (Gainesville, 1998) and some of the contributions included in Guy Halsall (ed.), *Violence and Society in the Early Medieval West* (Woodbridge/Rochester, 1998). More generally, Nancy Armstrong and Leonard Tennenhouse (eds), *The Violence of Representation: Literature and the History of Violence* (London/New York, 1989), and Shani d'Cruze

Islamic world[4] – appear, as indicated by Manuela Marín, in contexts dealing with the relationships linking women in a hierarchy of power to their husbands or masters,[5] and also in those of social disorder (wars and armed conflicts). These last narratives may serve a function similar to that of other cases of violence in such contexts, the de-legitimisation of those who perpetrated it. But their significance is wider, as demonstrated by studies dealing with the non-Muslim world, since these narratives – apart from foremost reflecting concrete and widespread war practices[6] – also involve metaphors of power and domination affecting both physical bodies and the body politic, the creation of identities and the establishment of the social order.[7]

As regards the Islamic context, is violence against women in medieval historical writings represented as always illegitimate? Which kinds of representation are more common? In what follows, I shall review four thematic cases involving situations of conflict (the early Cordoban Umayyads' efforts at imposing their rule, the late third/ninth century rebellion of Ibn Ḥafṣūn, the Cordoban *fitna* that led to the abolishment of the Umayyad caliphate and the fights among Berbers and between them and other groups), looking for information about the treatment of women, in order to analyse its characteristics and functions in historical sources.

and Anupama Rao (eds), *Violence, Vulnerability and Embodiment: Gender and History* (Malden/Oxford/Canberra, 2005).

4. Manuela Marín has dealt with such narratives in *Mujeres en al-Ándalus* (Madrid, 2000), pp. 680–705. See also Stacey L. Parker Aronson, *Sexual violence in las Jarchas*, Working Paper 4.1 (Morris, 2009). Available at: http://digitalcommons.morris.umn.edu/fac_work/8/ (accessed 1 June 2014).
5. Marín, *Mujeres en al-Ándalus*, p. 696.
6. Kathy L. Gaca, 'Girls, women, and the significance of sexual violence in ancient warfare', in *Sexual Violence in Conflict Zones: From the Ancient World to the Era of Human Rights*, ed. Elizabeth D. Heineman (Philadelphia, 2011), pp. 86–7 concludes that 'organized sexual violence against women and girls is fundamental to retributive warfare, just as it is with warfare in the predatory, parasitic, and expansionist modes' and that 'the violent subjugation of women and girls through sexual assault and torment has been an integral and important part of Western warfare over the two millennia from the Bronze Age to late antiquity'.
7. Corinne Saunders, 'Sexual violence in wars: the Middle Ages', in *Transcultural Wars from the Middle Ages to the 21st Century*, ed. Hans-Henning Kortüm (Berlin, 2006), pp. 151–64; Alice Bach, 'Rereading the body politic: women and violence in Judges, 21', in *Women in the Hebrew Bible: A Reader*, ed. A. Bach (New York, 1999), pp. 389–402. Gaca, 'Girls, women, and the significance of sexual violence in ancient warfare', p. 75; Gaca points to the scarce treatment of the topic in both ancient sources and contemporary studies, with the ensuing lack of register in our historical consciousness; her reflections can be of use for the Islamic case.

THE TREATMENT OF WOMEN IN SITUATIONS OF CONFLICT IN ANDALUSI HISTORICAL WRITINGS

The early Cordoban Umayyads

The first Umayyad emir of al-Andalus, ʿAbd al-Raḥmān I (r. 138/756–172/788), was the son of a captive woman from the Berber Nafza.[8] He entered the Iberian Peninsula after escaping from the ʿAbbāsid massacre of his relatives[9] and found refuge among his Berber relatives in North Africa, accompanied by his loyal *mawlā* Badr, but with no women. Two local Andalusi military leaders – Yūsuf al-Fihrī and al-Sumayl – tried to establish links with him by offering Yūsuf's daughter in marriage.[10] However, armed conflict eventually opposed the Umayyad to Yūsuf al-Fiḥri,[11] who was the ruling emir and was defeated in a battle near Cordoba. ʿAbd al-Raḥmān I only entered the palace (*qaṣr*) of Cordoba after three days had passed, thus allowing time for Yūsuf's family to move to their house in the town.[12] However, Yūsuf did not act in the same honourable way. ʿAbd al-Raḥmān I had to leave Cordoba to confront Yūsuf again, and he left behind two slave women, whom he had received as a present. During his absence, Yūsuf attacked Cordoba and seized the two slaves. The judge Yaḥyā al-Tujībī – who had been named by the Umayyad caliph from Damascus, Umar b. ʿAbd al-ʿAzīz – censured Yūsuf for this action, contrasting it with ʿAbd al-Raḥmān I's behaviour, but Yūsuf denied having even looked at the two slaves. When he left Cordoba with his family, he did not take them with him. After having re-entered Cordoba, ʿAbd al-Raḥmān I was informed by the judge of what had happened to the two slaves and, having lost interest in them, he

8. *Fatḥ al-Andalus*, ed. Luis Molina (Madrid, 1994); *La conquista de al-Andalus*, trans. M. Penelas (Madrid, 2002), p. 70/60, paragraph 64. The treatment of Berber women at the hands of the Arab conquerors was a major source of conflict between the Berbers and the Muslim army and has left its imprint in the historical sources. See Pedro Chalmeta, *Invasión e islamización: la sumisión de Hispania y la formación de al-Andalus* (Madrid, 1994), p. 300 (quoting al-Ṭabarī and Ibn al-Athīr on the reasons for the Berber rebellion of 122/739, among which the enslavement of Muslim Berber women is emphasised); Elizabeth Savage, *A Gateway to Hell, a Gateway to Paradise: The North African Response to the Arab Conquest* (Princeton, 1997), pp. 68, 70, 76.
9. The killing and raping of women is reported during the ʿAbbāsid takeover: C. F. Robinson, 'The violence of the Abbasid Revolution', in *Living Islamic History: Studies in Honour of Professor Carole Hillenbrand*, ed. Y. Suleiman (Edinburgh, 2010), p. 241.
10. Marín, *Mujeres en al-Ándalus*, p. 552.
11. Évariste Lévi-Provençal, *Histoire de l'Espagne musulmane* (3 vols) (Paris/Leiden, 1950–3), pp. 51–3, 101–8.
12. *Fatḥ al-Andalus*, p. 90/76, paragraph 17.

passed them on to two of his men.[13] Because they had been used by his enemy, they were no longer fit for the next ruler of al-Andalus.[14]

Another rendition of the same story has been used by Dolores Oliver as a precedent for the 'Afrenta de Corpes' episode in the *Poem of Mio Cid*.[15] In this version – found in another historical compilation, the *Akhbār Majmūᶜa*[16] – when ᶜAbd al-Raḥmān I entered Cordoba, he found that some of his soldiers had started pillaging and robbing Yūsuf's family (*ᶜiyāl*). He stopped them, gave clothes to those who were naked and returned as much as he could (*ṭarada al-nās wa-kasā man ᶜarā minhum wa-radd mā qadara ᶜalā raddihi*). This behaviour was not well received by his Yemeni allies. Later on, Yūsuf al-Fihrī's son – having entered Cordoba during ᶜAbd al-Raḥmān I's absence – took possession of two slave girls that the Umayyad had been given as a present: this action was censured by those of his companions who were intelligent, saying that it had no precedent, and reminding him that ᶜAbd al-Raḥmān I had treated his sisters and his father's wives respectfully, covering those who were naked (*fa-qāla lahu ahl al-ᶜuqūl min aṣḥābihi ṣanaᶜta mā lam tusbaq ilayhi ẓafīra bi-akhawātika wa-ummahātika fa-satara ᶜawratihinna wa-kasā ᶜarihinna* . . .). Because of what Yūsuf's son had done to his slave girls, ᶜAbd al-Raḥmān I rejected them and passed them on to his freedmen, without seeing them again.[17] The nakedness mentioned in the passages of the *Akhbār Majmūᶜa* seems to be a reference to the fact that Yūsuf al-Fihrī's women were unprotected, perhaps that the soldiers had attacked them. In any case, the situation is very different from the action of El Cid's sons-in-law, as narrated in the *Poem of Mio Cid*.[18]

Under the third Umayyad Cordoban emir, al-Ḥakam I (r. 180/796–206/822), the Toledans resented the presence of his troops in the town, complaining of

13. *Fatḥ al-Andalus*, pp. 92–3/78–9, paragraph 22.
14. Of Baldwin, it is said that he put away his wife, because she had been raped by pirates on the voyage south: Bernard Hamilton, 'Women in the Crusader states: the Queens of Jerusalem (1100–1190)', in *Medieval Women*, ed. Derek Baker (Oxford, 1978), pp. 144–5 and Yvonne Friedman, 'Captivity and ransom: the experience of women', in *Gendering the Crusades*, eds Susan B. Edgington and Sarah Lambert (Cardiff, 2001), pp. 133–4.
15. Dolores Oliver Pérez, *El Cantar de Mío Cid: génesis y autoría árabe* (Almería, 2008), pp. 34–7.
16. *Ajbar machmuâ = Colección de tradiciones: crónica anónima del s. XI*, ed. and trans. Emilio Lafuente y Alcántara (Madrid, 1867), pp. 90–1/87, 93/89, 100/94.
17. A third one that he had bought from an Arab family managed to escape and later gave birth to a girl.
18. The inadequacy of the comparison is highlighted in Maribel Fierro, 'La Afrenta de Corpes y la autoría árabe del *Cantar de Mio Cid*', *Al-Qanṭara* 33.2 (julio-septiembre 2012), pp. 547–51.

their treatment of women and children.[19] The emir then built a castle-fortress for the Umayyad army in an area of the town where soldiers would be isolated from the Toledan population, although the trend towards rebellion continued. A massacre of Toledan notables temporarily halted such trends.[20] The revolt of the Arrabal in Cordoba that took place shortly after, in the year 202/817, was another episode featuring the emir's violence against his opponents. The most complete information is found in Ibn Ḥayyān's *Muqtabis*,[21] from which the following reports are taken. The rebellion of the population living in the suburb of Secunda on the bank of the Guadalquivir opposite the palace was repressed by the troops of the emir, who not only killed the rebels, but also persecuted them in their houses, so that the rebels feared for the safety of their families (*wa-ashfaqū ʿalā buyūtihim wa-ʿiyālihim*), as the soldiers sacked their properties and dishonoured their womenfolk (*wa-hūtikat sutūruhum*).[22] These reports suggest that the entrance of the emir's troops in the houses of the rebels was accompanied not only by pillage, but also by rape and murder. The way the suppression of the revolt was conducted by the emir was obviously a cause of concern for the historians of the dynasty and, in fact – together with the Toledan massacre – gave rise to the representation of al-Ḥakam I as the most cruel and violent Umayyad ruler of al-Andalus. In some passages, there is an insistence on noting that when the emir's slave guards entered the rebels' houses and pillaged them, the women were left undisturbed, because the emir had given specific orders to respect them (*wa-ʿaffa ʿan ḥurumihim*), and the minors were also protected.[23] Thus, in the official document of victory sent to the different districts of al-Andalus, it is said that God himself made the rebels perish for their sin, and that out of his gratitude to Him, the emir decided to abstain from plundering their properties and taking captive their children and women.[24] Also,

19. Ibn Ḥayyān, *al-Sifr al-thānī min Kitāb al-Muqtabis*, ed. Maḥmūd ʿAlī Makkī (Riyadh, 1424/2003); Spanish trans. Maḥmūd ʿAlī Makkī and Federico Corriente, *Crónica de los emires Alhakam I y Abdarrahman II entre los años 796 y 847 [Almuqtabis II–I]* (Zaragoza, 2001), 93r/31.
20. Eduardo Manzano Moreno, *La frontera de al-Andalus en época de los omeyas* (Madrid, 1991), pp. 274–84; María Crego, *Toledo en época omeya (ss. VIII–X)* (Toledo, 2007).
21. See note 19.
22. Ibn Ḥayyān, *Muqtabis II–1*, 103v/56–7, 105v/62, 109r/72, 109v/73, 111v/79. In this last passage, it is specifically stated that the emir authorised his men to attack the women of the rebels, as well as to pillage, burn properties and take lives: *wa-istabāḥa al-amīr al-Ḥakam ḥarīm ahl al-rabaḍ wa-man malaʾahum min arbāḍ Qurṭuba thalātha ayyām bil-qatl wa-l-nahb wa-l-istibāha wa-l-iḥrāq*. The source is Aḥmad b. Muḥammad b. Khalaf al-Warrāq.
23. Ibn Ḥayyān, *Muqtabis II–1*, 103v/56.
24. Ibn Ḥayyān, *Muqtabis II–1*, 104r/58.

a court historian – probably al-Rāzī – states that the emir respected the women of the rebels, protecting them and avoiding their being harmed. Specifically, the emir is depicted as having ordered them to be gathered in a special place, thus showing them his mercy. He apparently also protected the properties and goods of the rebels.[25] Those historians who clearly want to exculpate the emir suggest that the rebels had been guilty of disrespectfully treating the emir's daughters[26] and describe the rebels as the riff-raff of the population of Cordoba, in spite of the fact that the most famous religious scholars at the time joined the rebellion.[27] They also insinuate that those guilty of misdemeanour were the emir's slave soldiers, many of whom had become his property as booty received from the campaign against Narbonne.[28]

Overall, in spite of these efforts, al-Ḥakam I's memory remained tainted. For example, Ibn Ḥazm, who was very critical of the first Umayyad Cordoban caliph ʿAbd al-Raḥmān III (r. 300/912–350/961) for both his public and private violence, directed among others against women of his harem,[29] compared him to his ancestor al-Ḥakam I in the way in which he sinned and committed doubtful

25. Ibn Ḥayyān, *Muqtabis II–1*, 106v/65. This is what he was supposed to do, according to the norms established for the treatment of rebels (*aḥkām al-bughāt*): Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge, 2001); Delfina Serrano, 'Doctrina legal sobre la rebelión en juristas andalusíes', in *El cuerpo derrotado: cómo trataban musulmanes y cristianos a los enemigos vencidos (Península Ibérica, ss. VIII–XIII)*, eds Maribel Fierro and Francisco García Fitz (Madrid, 2008), pp. 257–82.
26. Maribel Fierro, 'Las hijas de al-Hakam I y la revuelta del Arrabal', *Al-Qanṭara* 24 (2003), pp. 209–16.
27. Such as Yaḥyā b. Yaḥyā, the jurist responsible for the introduction of Mālik's *Muwaṭṭaʾ*, in al-Andalus: Maribel Fierro, 'El alfaquí berébер Yahyà b. Yahyà, "el inteligente de al-Andalus"', *Estudios Onomástico-Biográficos de al-Andalus: III*, eds M. L. Avila and M. Marín (Granada/Madrid, 1997), pp. 269–344. Al-Ḥakam I accuses one scholar of having plotted to kill him, declaring his women to be illicit and violating his intimacy (*al-sāʿī li-safk damī wa-istibāḥat ḥurumī wa-hatk sitrī*): Ibn Ḥayyān, *Muqtabis II–1*, 110v/77.
28. Ibn Ḥayyān, *Muqtabis II–1*, 106v/64. Blaming foreign or slave soldiers for improper conduct at war seems to be a shared feature in historical reports stemming from different periods and geographical areas.
29. I have explored ʿAbd al-Raḥmān III's use of violence in 'Violencia, política y religión en al-Andalus durante el s. IV/X: el reinado de ʿAbd al-Raḥmān III', *Estudios onomástico-biográficos de al-Andalus: XIV: De muerte violenta. Política, religión y violencia en al-Andalus*, ed. M. Fierro (Madrid, 2004), pp. 37–102 and in the article mentioned in note 2. See now also María Jesús Viguera, 'La violencia ejemplar: crónicas y poder', in *Crueldad y compasión en la literatura árabe e islámica*, ed. Delfina Serrano (Madrid, 2011), pp. 81–108.

acts, mistreating his subjects, indulging in vices, punishing with cruelty[30] and not caring about the shedding of blood.[31]

Ibn Ḥafṣūn

Ibn Ḥafṣūn (d. 305/918) was the most important rebel the Umayyad emir ʿAbd al-Raḥmān III (r. 300/912–350/961) had to fight in the central lands of al-Andalus, in order to recover Umayyad control after the rebellions that had erupted during the reign of his predecessor, the emir ʿAbd Allāh (r. 275/888–300/912). ʿAbd al-Raḥmān III's victory over Ibn Ḥafṣūn's rebellious descendants was one of the rationales behind his adoption of the caliphal title in 316/929. Of *muwallad* origin (i.e. a descendant of a local convert), Ibn Ḥafṣūn made several attempts at providing himself with political and religious legitimacy, including – in this order – acknowledgment of the ʿAbbāsid caliphate, conversion to Christianity and acknowledgment of the Fātimid caliphate,[32] established in 296/909 in what is now Tunisia. Ibn Ḥafṣūn evoked the dream of Muslim equality in a famous speech to his followers:

> Too long already . . . have you borne the yoke of this sultan who seizes your possessions and crushes you with forced tribute. Will you allow yourselves to be trampled underfoot by the Arabs who regard you as slaves? . . . Do not believe that it is ambition that makes me speak thus; no, I have no other ambition than to avenge you and deliver you from servitude![33]

There is no mention in this speech of any mistreatment of *muwallad* women on the part of the Arabs. As for the *muwallad* camp, women are said to have felt protected in the territories under Ibn Ḥafṣūn's control. It is stated, for example, that a woman could travel alone and unmolested in those territories – a statement that is a '*topos* of good rule' that can be found in different historiographical

30. Medieval conceptions of cruelty have been studied by Daniel Baraz, *Medieval Cruelty: Changing Perceptions, Late Antiquity to the Early Modern Period* (Ithaca, 2003); see also the collective volume edited by Serrano mentioned in note 29.
31. Ibn Ḥayyān, *Muqtabis, V*, eds P. Chalmeta, F. Corriente and M. Sobh (Madrid/Rabat, 1979); Spanish trans. M. J. Viguera and F. Corriente (Zaragoza, 1981), p. 23/40.
32. Lévi-Provençal, *Histoire de l'Espagne musulmane*, 2, pp. 6–24. For an interpretation of Ibn Ḥafṣūn's search for legitimacy, see Maribel Fierro, 'Genealogies of power in al-Andalus: politics, religion and ethnicity during the second/eighth-fifth/eleventh centuries', *Annales Islamologiques* 42 (2008), pp. 40–1.
33. Ibn ʿIdhārī, *Kitāb al-Bayān al-mughrib* (2 vols), eds G. S. Colin and É. Lévi-Provençal (Leiden, 1948–51), 2, p. 114.

traditions[34] – and also that if any of Ibn Ḥafṣūn's soldiers dared to raise the veil of a woman in order to rob her, then that soldier was sentenced to death.[35]

However, legal sources imply otherwise. A *fatwā* preserved in al-Wansharīsī mentions that free persons were sold in the lands ruled by Ibn Ḥafṣūn. This situation later gave rise to legal actions when some of those sold tried to regain their freedom, claiming that they had been illegally enslaved. Jurists in general concluded that their owners were obliged to prove their right to hold those persons as slaves.[36] A specific case regarding a woman is found in Ibn Sahl's *al-Aḥkām al-kubrā*. A Christian woman had come into the possession of Ibn Ḥafṣūn, who married her. But a man claimed to be her owner – thus, we learn that she was a slave – and asked that she be returned to him.[37] This case is linked to another that took place during the same period.[38] One of the non-Arab rebels[39] who had surrendered to the emir, and with whom a treaty (*ʿahd*) had been signed, had in his power a free Muslim woman. This woman sought protection from Aslam b. ʿAbd al-ʿAzīz, who was judge of Cordoba between the years 300/912–309/921

34. Maribel Fierro, 'Cuatro preguntas en torno a Ibn Ḥafṣūn', *Al-Qanṭara* 16 (1995), pp. 225–6; English trans. in *The Formation of al-Andalus: Part 1: History and Society*, ed. M. Marín (Hampshire, 1998), p. 296 (the reference to the safety for women is found in Ibn ʿIdhārī, *al-Bayān al-mughrib*). Similar statements are made regarding the Almohad caliph al-Mansur and the Moroccan sultan Mawlay Ismail (1672–1727), but also Christian kings, as indicated by R. I. Moore, *The Origins of European Dissent* (Oxford, 1985), p. 7:

    > [T]he conventional tribute to a good and mighty king (especially associated with Henry I of England) [was] that while he was on his throne a virgin could go unmolested from one end of his kingdom to the other with a purse of gold in her bosom.

35. Marín, *Mujeres en al-Ándalus*, pp. 680–1, quoting the *Aʿlām Mālaqa* by Ibn ʿAskar/Ibn Khamis (a source that has preserved reports favourable to Ibn Ḥafṣūn) and al-Wansharīsī's *Miʿyār*.
36. al-Wansharīsī, *al-Miʿyār al-muʿrib* (13 vols) (Rabat, 1981), 9, pp. 219–20; Francisco Vidal, 'Sobre la compraventa de hombres libres en los dominios de Ibn Ḥafṣūn', in *Homenaje al Prof. Jacinto Bosch Vilá* (2 vols) (Granada, 1991), 1, pp. 417–28.
37. Ibn Sahl, *Dīwān al-Aḥkām al-kubrā*, partial edn M. ʿA. W. Khallaf, *Wathāʾiq fī aḥkām qaḍāʾ ahl al-dhimma fī al-Andalus mustakhraja min makhṭūṭ al-Aḥkām al-kubrā* (Cairo, 1980), pp. 83–6; complete ed. Rashīd al-Nuʿaymī (2 vols) (Riyadh, [1417] 1997), 2, pp. 811–3 (cf. 1, pp. 358–62). See, on this case, María Jesús Viguera Molins, 'Cristianos, judíos y musulmanes en al-Andalus', in *Cristianos, musulmanes y judíos en la España medieval. De la aceptación al rechazo*, ed. J. Valdeón Baruque (Valladolid, 2004), pp. 67–8; Virgilio Martínez Enamorado, '"Donde rigen las normas de Satán": Ibn Antuluh, Ibn Ḥafṣūn y el asunto de la propiedad sobre una esclava', *Espacio, Tiempo y Forma. Serie III. Historia Medieval* 23 (2010), pp. 97–112.
38. Al-Khushanī, *Qudāt Qurṭuba*, ed. and trans. J. Ribera (Madrid, 1914), pp. 184–5/227–8.
39. The term used in the source is *ʿajamī*, which makes reference to the fact that the rebel in question did not speak Arabic.

and 312/924–314/926.[40] The judge started dealing with the case, but received a visit from a messenger of the chamberlain Badr, who reminded him that the old rebels who had surrendered by way of a treaty had to receive special treatment, and that the best thing he could do was not to intervene between that rebel and his slave. The judge, however, decided to continue with the case, which led to another warning. As in the previous case, we are not told the conclusion of the story. Obviously, that woman had been illegally enslaved by the former rebel, given that in Islamic law Muslim men or women born free cannot be enslaved.[41] The attitude of the judge seems to have been favourable to the letter of the law, without showing any sign of admitting into his judgement the extra-legal considerations repeated to him by the emir's messenger – namely, the need to leave the ex-rebel undisturbed, in order to minimise the possibility of his deciding to rebel again. The text does not tell us what the origin of the free Muslim woman was, but – taking into consideration the dates – she was probably an Arab or a descendant of a client; in other words, she must have belonged to the group of 'old Muslims' that we know the judge Aslam was keen to protect, as he himself belonged to that group. This episode took place between 312/924–314/926, shortly before ʿAbd al-Raḥmān III conquered Bobastro – that is, during the years when the emir was applying the old Umayyad policy of 'the stick and carrot' with the rebels, in order to finally ensure the control of al-Andalus. The judge of Cordoba was not willing to help him with the 'carrot' part of the policy, and it is thus not surprising that Aslam was dismissed from the qadiship by ʿAbd al-Raḥmān III.

The indication from legal sources that free Muslims had been enslaved under Ibn Ḥafṣūn could be seen as part of the Umayyad anti-rebel propaganda.[42] But there are grounds for thinking that it also reflected actual practice. Ibn Ḥafṣūn may have considered himself entitled to enslave Muslims when he converted to Christianity or even when he paid allegiance to the Fātimid caliph. He was not alone in this: after all, the Umayyads themselves were known to have been

40. Lévi-Provençal, *Histoire de l'Espagne musulmane*, 3, p. 142 and Maribel Fierro, 'Los cadíes de Córdoba de ʿAbd al-Raḥmān III (r. 300/912–350/961)', in *Estudios Onomástico-Biográficos de al-Andalus: XVIII: Cadíes y cadiazgo en el Occidente islámico medieval*, ed. Rachid El Hour (Madrid, 2012), pp. 69–98.
41. There are only two legitimate sources for the provision of slaves: to have been born a slave or captivity during war (and, in this latter case, Muslims were an exception: a slave-born Muslim or a slave converted to Islam could still be slaves, but a free-born Muslim cannot be enslaved): R. Brunschvig, 'ʿabd', in *EI2*.
42. M. Wilk, 'Marginal spaces of historical narrative: Ibn Ḥafṣūn and some peculiarities of caliphal chronicles from al-Andalus', in *Els espais de secà. IV Curs Internacional d'Arqueologia Medieval*, eds F. Sabaté and J. Brufal (Lleida, 2011), pp. 87–97.

rather partial in their consideration of who was a Muslim. Their general Hāshim b. ᶜAbd al-ᶜAzīz, during his campaigns against the rebels in the year 262/876, is described as acting in the following way:

> When the Umayyad troops captured a castle, the vizier would order the prisoners to be gathered with their wives and children in a particular place. He then began to call each adult male before him and ask him if he was a Muslim or a Christian. If the prisoner answered that he was a Christian, Hāshim had him executed on the spot and his children were considered captives. If the prisoner declared that he was a Muslim, Hāshim demanded that he recite a *sūra* – or even two or three – from the Qurʾān. But if even the man recited them correctly, this was not good enough, because the vizier would bark: 'It's a disgrace, you pig, because you hastened to learn it by heart this very day or tonight. Now recite for me any traditions or *ḥadith*s that you know'. If the unfortunate prisoner made a mistake or stammered in his recitation, the vizier would then bellow, 'Didn't I tell you so? He's a Christian. He learned the *sūra* that he has just recited this very night!' He would then order the man's throat cut and declare the man's family and children prisoners of war. Hāshim continued in this fashion until the very last prisoner was dealt with. The vizier sold his own prisoners, who were then bought by some God-fearing Muslims of the camp. They freed the children because they were the children of Muslims.[43]

The judge of Seville, Muḥammad b. Junāda (d. 295/907), was among the God-fearing Muslims who were appalled by Hāshim's conduct. He is said to have saved almost 1,000 female descendants of the *muwalladūn* during the period of armed conflict (*fitna*) between the Arabs and the *mawālī* and to have protected them until they had made their way to a safe place.[44] It is the absence of such God-fearing Muslims, who act according to the law and remind others to do the same, which is highlighted by the sources during another *fitna* period – that leading to the abolition of the Umayyad caliphate in 422/1031.

The Cordoban Fitna

The civil wars that erupted at the end of the fourth/tenth century are described in Andalusi historiography as having involved a confrontation between Andalusis on the one hand and 'new' Berbers[45] on the other, with many episodes of violence

43. Fierro, 'Four questions', pp. 316–17.
44. Marín, *Mujeres en al-Ándalus*, p. 681 (quoting ᶜIyāḍ, *Tartīb al-madārik*).
45. That is, Berbers recently arrived in the Iberian Peninsula, as opposed to those who had entered during the conquest.

and even of cruelty.[46] The treatment of women on the part of each side acquires an especially prominent character.

The caliph Hishām II was deposed in the year 399/January 1009 by his relative Muḥammad b. Hishām b. ᶜAbd al-Jabbār, who adopted the title al-Mahdī and took possession of the concubines of his predecessor. When Hishām II learned that those women had become pregnant, he commented that there was no precedent for such an action, and that no other man had been subject to such a mistreatment before him. God, however, will judge, eventually, between him and the perpetrator (*ma jarā ᶜalā aḥad mithlu mā jarā ᶜalayyā min hādhā al-rajul fī nafsī wa-mālī wa-ahlī fa-Allāh baynī wa-baynahu*).[47] This comment that 'such a horrific act had never happened before' was also made when the harem of another ephemeral caliph, al-Mustaẓhir billāh – after being deposed by the population of Cordoba for his alleged support of the Berbers – was dishonoured and the guards took possession of the majority of the women (*wa-jarā ᶜalayhinna mā lam yajrī ᶜalā ḥaram sulṭān fī muddati tilka l-fitna*).[48]

Muḥammad b. Hishām b. ᶜAbd al-Jabbār al-Mahdī, once he, in turn, had been deposed in the year 400/November 1009, took refuge with a friend, who found him having sexual intercourse with his wife. Ibn ᶜAbd al-Jabbār managed to escape with his thirteen slave concubines; however, one stayed and ended up in the possession of the new caliph, Sulaymān al-Mustaᶜīn.[49] Ibn ᶜAbd al-Jabbār became known for his depravity, including drinking wine and fornication (*zinā*), this depravity being presented as the reason that led to his assassination in the year 400/July 1010.[50] The situation in Cordoba during the *fitna barbariyya* – so-called because the Cordobans rejected and fought against those caliphs who were supported by the Berbers – is described along the same lines: depravity reigned, wine

46. See Peter C. Scales, *The Fall of the Caliphate of Córdoba: Berbers and Andalusis in Conflict* (Leiden, 1994); María Dolores Rosado Llamas, *La dinastía hammûdí y el califato en el siglo XI* (Málaga, 2008); Delfina Serrano, '"Una advertencia por otra": crueldad y compasión en el relato de la "pasión" y muerte de Ibn Wafid', in *Crueldad y compasión en la literatura árabe e islámica*, ed. D. Serrano (Madrid, 2011), pp. 251–72.
47. Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, pp. 81, 91; trans. Maíllo, pp. 79, 86. Hishām II would later reproach him in person for what he had done: Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, p. 100; trans. Maíllo, p. 93. See also Marín, *Mujeres en al-Ándalus*, p. 683.
48. Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, p. 139; trans. Maíllo, p. 122; cf. Marín, *Mujeres en al-Ándalus*, p. 684. In the case of the last Jawharid ruler of Cordoba, pillaging and rape seems eventually to have been controlled, thanks to the intervention of an Abbadid military commander, Ibn Martīn, who threatened to kill anybody who misbehaved. However, before that, the harem of Abū al-Walīd Ibn Jawhar had already been profaned: Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, pp. 258, 260; trans. Maíllo, pp. 215, 217.
49. Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, p. 93; trans. Maíllo, p. 87.
50. Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, pp. 99–100; trans. Maíllo, pp. 92–3.

was drunk publicly and adultery and sodomy were allowed.[51] The Cordobans who showed a preference for Sulaymān al-Mustaʿīn – known as the caliph of the Berbers – were killed, together with some of the women who were with them; and other women were eventually sold as if they were prisoners of war.[52] The available sources pay special attention to what happened to the Cordoban Berbers – those who suffered most – as they became expiatory victims for the hatred of the Cordobans against the 'new' Berbers. The caliph Muḥammad b. Hishām b. ʿAbd al-Jabbār al-Mahdī ordered the houses of the Cordoban Berbers to be pillaged and allowed their harems to be violated: women were made captive and sold in the *dār al-banāt*, and pregnant women were killed.[53]

After al-Mahdī had escaped from Cordoba and was trying to recover his authority, his ally, the general Wāḍiḥ, made a pact with the Christians, according to which, among other things, the Christians were allowed to take the wives of the Berbers they defeated.[54] When al-Mahdi returned to power, in spite of the fact that the Berbers had left Cordoba, he ordered that anybody resembling a Berber be killed, including children and pregnant women.[55] Hatred towards the Berbers reached such proportions among the Cordobans during a period of scarcity that when a woman who was returning from the communal oven dropped the receptacle that she was carrying and it broke, she was killed (being a black woman, she was identified as a Berber). The same fate befell another woman, as if they were thought to be a kind of fifth column.[56]

Christian troops were used by the contending Muslim parties – a new practice that provoked shock and fear. A girl who was not a Berber was taken by one of the Christian soldiers who entered Cordoba as allies of al-Mahdī. Her father asked the general Wāḍiḥ to rescue her, but he refused, reminding him of the pact that he had signed with the Christians. The father then went to the Christian and offered 400 dinars for his daughter; the Christian took the money and killed the father. The historian Ibrāhīm b. al-Qāsim[57] comments:

> This was one of the most painful and horrific episodes (*wa-hādhā min ankā al-umūr wa-aqbaḥihā*). That wronged man had gone to rescue his daughter; his money was accepted but then he was killed. Thus, his daughter, his money

51. Ibn ʿIdhārī, *al-Bayān al-mughrib,* 3, pp. 105–6; trans. Maíllo, pp. 97–8.
52. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, pp. 107–8; trans. Maíllo, p. 99.
53. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, pp. 58–9, 81; trans. Maíllo, pp. 62–3, 79.
54. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, p. 94; trans. Maíllo, p. 88.
55. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, p. 97; trans. Maíllo, p. 91.
56. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, p. 103; trans. Maíllo, p. 95.
57. Al-Raqīq al-Qayrawānī (d. after 418/1027), chief of the Zīrid chancery in Ifrīqiyya. His historical writings are clearly anti-Umayyad.

> and his life were lost. And nobody among the people of Cordoba rectified it nor censured it (*wa-lam yughayyir dhālika aḥad min ahl Qurṭuba wa-lā ankarahu*).[58]

Censuring what is reprehensible forms part of the Islamic precept of commanding good and forbidding wrong (*al-amr bil-maᶜrūf wa-l-nahy ᶜan al-munkar*).[59]

When the Berbers under Sulaymān al-Mustaᶜīn got the upper hand and defeated al-Mahdī, a number of black slaves are said to have sacked some Cordoban houses, but they were punished (decapitated) for this, because their Berber lords were not willing to let such behaviour occur.[60] However, the Berbers' behaviour was not always so upright. When they attacked the region of Malaga, they pillaged and made women captive, some of whom were subjected to brutal treatment. Eventually, some of those women married Berber soldiers, but the majority died.[61]

The last Cordoban Umayyad caliph, al-Muᶜtadd billāh, had to abandon his palace with the women of his family unveiled and barefoot.[62]

The Berbers

Berbers figure prominently in narratives of violence in Andalusi historical writings. Whereas this presence may be connected with ethnic prejudice,[63] the Berbers' violence is represented as taking place not only against other ethnic groups, but also among themselves.[64] The fortress of the Berber Banū Dammar

58. Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, p. 97; trans. Maíllo, p. 91.
59. Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge, 2000).
60. Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, p. 90; trans. Maíllo, p. 85.
61. Ibn ᶜIdhārī, *al-Bayān al-mughrib*, 3, p. 102; trans. Maíllo, pp. 94–5. See also Manuela Marín, 'El ejército', in *Los Reinos de Taifas*, vol. VIII/1 of *Historia de España fundada por R. Menéndez Pidal*, co-ord. María Jesús Viguera (Madrid, 1994), pp. 191–225, on 218–19.
62. al-Marrākushī, *Kitāb al-Muᶜjib fi talkhīṣ akhbār al-Maghrib* (2nd edn), ed. R. Dozy (Leiden, 1881; repr. Amsterdam, 1968), p. 41; trans. Huici Miranda, *Kitāb al-Muᶜŷib fī taljīṣ ājbār al-Magrib = Lo admirable en el resumen de las noticias del Magrib, por Abū Muḥammad ᶜAbd al-Wāḥid al-Marrākušī* (Tetouan, 1955), p. 51.
63. Emilio García Gómez, *Andalucía contra Berbería* (Barcelona, 1976). The Ṣanhāja Zīrids seem to have attracted a particularly bad reputation as violent and cruel: see, for example, María Luisa Ávila, 'Al-Ŷurŷānī e Ibn ᶜAbbās, víctimas de Bādīs', *Estudios onomástico-biográficos de al-Andalus: XIV: De muerte violenta. Política, religión y violencia en al-Andalus*, ed. M. Fierro (Madrid, 2004), pp. 137–66. Available at: http://digital.csic.es/bitstream/10261/12091/1/Avila_Yuryani.pdf (accessed 1 June 2014).
64. The extent to which the Berbers considered themselves to be a single ethnic group is open to discussion and, in any case, changed over time. That some believed that they were so

was taken by the Zīrids (Ṣanhāja). Every man was killed, the harems were dishonoured and the virgins raped: blood fell down to their feet, and they were left naked and crying (*ʿāriyāt bākiyāt*). The blacks and the lowest soldiers of the Zīrid troops took possession of the women, so that their tents became full with them, until the Zīrid king Bādīs took pity on them after three days. They were then left alone, naked and barefoot, and made their way to other villages and fortresses.[65] This description stands out because of the physical details given – an unusual feature in the literature consulted so far.

Fearing a fate like that of the Banū Dammar when attacked by the ʿAbbādids of Seville (Arabs), the emir of the Berber Banū Khizrūn ordered his servant to kill both his mother and sister.[66] The Andalusi ruler of Malaga, Ibn Ḥassūn (d. 548/1153), tried unsuccessfully to do the same before the entrance of the Berber Almohads into the town: when he failed to kill his daughters before he committed suicide, the women were sold and some became concubines of military commanders of the Almohad army.[67] Here, again, we have the enslavement of free Muslim women that we encountered during the *fitna* of the third/ninth century. In the case of the Almohads, the inhabitants of conquered lands were considered to be slaves of the caliph, as it seems that only those who adhered to Almohad doctrine were considered to be true Muslims.[68] Extreme violence is strongly associated with the Almohad conquests and takeover[69] – a violence

– undoubtedly under the influence of those who thought in terms of Berbers versus other groups – is shown, for example, in the composition of *mafākhir al-barbar* works. On this issue, see Ramzi Rouighi, 'The Andalusi origins of the Berbers?' *Journal of Medieval Iberian Studies* 2.1 (2010), pp. 93–108 and Ramzi Rouighi, 'The Berbers of the Arabs', *Studia Islamica* new series 1 (2011), pp. 67–101.

65. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, p. 269; trans. Maíllo, p. 224.
66. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, p. 273; trans. Maíllo, p. 226; María Jesús Viguera Molins, 'Arcos en al-Andalus: notas sobre su historia islámica', in *Actas del I Congreso de Historia de Arcos de la Frontera. Congreso de Historia de Arcos de la Frontera (1)* (Arcos de la Frontera, 2003), p. 46; Marín, *Mujeres en al-Ándalus*, p. 684.
67. Marín, *Mujeres en al-Ándalus*, pp. 684–5.
68. Maribel Fierro, 'The Almohads and the Fatimids', in *Ismaili and Fatimid Studies in Honor of Paul E. Walker*, ed. Bruce D. Craig (Chicago, 2010), p. 168.
69. Maribel Fierro, 'Almohads', in *Encyclopedia of Genocide and Crimes Against Humanity* (3 vols), ed. Dinah Shelton (Detroit, 2005), 1, pp. 24–5; María Jesús Viguera, 'Las reacciones de los andalusíes ante los almohades', in *Los almohades: problemas y perspectivas*, eds P. Cressier, M. Fierro and L. Molina (Madrid, 2005), pp. 705–35; Linda Jones, 'The Christian companion: a rhetorical trope in the narration of intra-Muslim conflict during the Almohad period', in *Actes del Colloqui Conflictivitat i Vies de solució a la Mediterrània Medieval, Anuario de Estudios Medievales* 38 (2008), pp. 793–829.

that affected, for example, Almoravid women.[70] As we have seen in the case of the revolt of the Arrabal, Almohad chroniclers tried to convince their audiences that the Almohads had treated the women of their enemies with due respect.[71] Extreme violence is also attributed to the opponents of the Almohads, such as the Andalusi Ibn Hūd, who is represented as resorting to harsh and cruel treatment of his enemies, including women.[72]

Before the Almohads, the Almoravids – who had taken power as a puritan and reformist movement arising from the desert – are represented in Andalusi historiography by being singled out because of their alterity: the men veiled their faces – as modern Tuaregs do – while their women did not, they were uninterested in Arabic poetry and generally appeared as the opposite of what Andalusis stood for. Rape becomes a salient feature in the representation of the Almoravid period. One of their black soldiers raped a woman in Cordoba and his action led to a rebellion in the town,[73] while the Almoravid emir Tamīm is described as 'sincere and active in the pursuit of justice. It was he who killed one of his own sons for raping a girl, a daughter of merchants in the valley of Salé.'[74] During the Almoravid siege of Valencia, black soldiers were also guilty of raping Muslim women. El Cid expelled the Muslim women and children from the city, and the women 'fell into the hands of the blacks (*al-sūdān*), the muleteers and the low-class traders, who abused them without the (Almoravid) general being able

70. Fernando Rodríguez Mediano, 'Biografías almohades en el *Taṣawwuf* de al-Tādilī', in *Estudios onomástico-biográficos de al-Andalus: X: Biografías almohades II* (Madrid, 2000), pp. 170–1 (a saint intercedes to save the women of the defeated Almoravids). Cf. al-Marrākushī, *Kitāb al-Muʿjib*, p. 231; trans. Huici Miranda, p. 261, on the treatment of the Almoravid women after the conquest of Mallorca.
71. Al-Baydhaq's 'Memoirs', in *Documents inédits d'histoire almohade*, ed. and trans. Évariste Lévi-Provençal (Paris, 1928), pp. 88/142, 94/152, 116/191; cf. pp. 89/144, 106/174, 109/180, 106/176, 111/182, 118/194.
72. He is said to have killed Almohad men, amputated the breasts of their women and massacred their children: Manuel González Jiménez, *Fernando III el Santo: El rey que marcó el destino de España* (Sevilla, 2006), pp. 101–2 (quoting the *Chronica Latina*).
73. Delfina Serrano, 'La violación en el derecho malikí: doctrina y práctica a partir de tres fetuas de los siglos X a XII d. C.', *Mélanges de la Casa de Velázquez* 33.1 (2003), pp. 125–48; see also by the same author 'Rape in Maliki legal doctrine and practice (8th–15th centuries C.E.)', *Hawwa* 5.2–3 (2007), pp. 166–207. For Christendom, see Julie Coleman, 'Rape in Anglo-Saxon England', in Halsall (ed.), *Violence and Society in the Early Medieval West*, pp. 193–204; Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing unto Others* (New York, 2005).
74. John Iskander, 'Devout heretics: the Barghawata in Maghribi historiography', *The Journal of North African Studies* 12.1 (2007), p. 45.

to prevent this vile behaviour'.[75] El Cid attracted evil and corrupted Muslims – many of whom actually apostatised – who attacked other Muslims, dishonoured women, killed men and took women and children captive.[76]

CONCLUDING REMARKS

In an Islamic legend circulating among the Berber population in North Africa, ᶜAlī b. Abī Ṭālib fights against the Jews who had refused to acknowledge one of the miracles pointing to Muḥammad's prophecy, and with his famous sword massacres all his enemies, not sparing a single one: only the women's lives are saved.[77] This corresponds to the appropriate treatment of women in war, as regulated in Islamic legal norms on *jihād*.[78] Deviations from such norms are sometimes critically noted in the sources.[79] Female immunity from death goes together in the case of non-Muslim women with captivity and enslavement[80] – a

75. Elena Lourie, 'Black women warriors in the Muslim army besieging Valencia and the Cid's victory: a problem of interpretation', *Traditio* 55 (2000), pp. 191–2, quoting Évariste Lévi-Provençal, 'La Toma de Valencia por el Cid según las fuentes musulmanas y el original árabe de la Crónica General de España', trans. E. García Gómez, *Al-Andalus* XIII (1948), pp. 97–156.
76. Ibn al-Kardabus, *Historia de al-Andalus*, trans. Felipe Maíllo Salgado (Madrid, 1986), p. 128.
77. Vermondo Brugnatelli, 'Leggende islamiche del Nordafrica berbero', *Oriente Moderno* 89 (2009), pp. 227–8. Cf. M. J. Kister, 'The massacre of Banū Qurayẓa', *Jerusalem Studies in Arabic and Islam* 8 (1986), pp. 61–96.
78. On the norms and its exceptions, see Ella Landau-Tasseron, 'Non-combatants in Muslim legal thought', in *Research Monographs on the Muslim World* (Washington, DC, 2006), pp. 1–32. For Western Christendom, see Matthew Strickland, 'Rules of war or war without rules? – Some reflections on conduct and the treatment of non-combatants in Medieval transcultural wars', in *Transcultural Wars from the Middle Ages to the 21st Century*, ed. Hans-Henning Kortüm (Berlin, 2006), pp. 107–40, and Anne Curry, 'The theory and practice of female immunity in the Medieval West', in *Sexual Violence in Conflict Zones: From the Ancient World to the Era of Human Rights*, ed. Elizabeth D. Heineman (Philadelphia, 2011), pp. 173–88.
79. During the conquest of Damascus by the Fātimids, terms of peace were granted to the inhabitants that 'were deliberately humiliating: the women were made to come out and let down their hair in the dust'. See Michael Brett, *The Rise of the Fatimids: The World of the Mediterranean and the Middle East in the Tenth Century* CE (Leiden, 2001), p. 312.
80. For the Andalusi case, see Marín, *Mujeres en al-Ándalus*, pp. 125–40; Cristina de la Puente, 'Mujeres cautivas en la tierra del islam', *Al-Andalus-Magreb* 14 (2007), pp. 19–37. See also Ronald C. Finucane, *Soldiers of the Faith: Crusaders and Moslems at War* (New York, 1983), Chapter 8 and Friedman, 'Captivity and ransom'.

regulation that sustained concubinage in Islam.[81] Because this was legitimate violence against women, it finds its place in Muslim historical sources without much comment: in wars against non-Muslims, women are taken captive and enslaved as a matter of fact.[82] It is only when women are considered to be Muslims that the practice is criticised, as we saw happening during the rebellion of Ibn Ḥafṣūn.

When Muslims were not the conquerors, but the conquered, then the fate of their women is lamented. In fifth/eleventh century al-Andalus, Christians were able to profit from the internal struggles of the Muslims and start an aggressive military policy against the Muslims.[83] The shock caused by what they did to Muslim women resonates in Muslim sources. Captivity and enslavement were bad enough, but there was also no lack of cruelty, which is often represented when dealing with the treatment of virgins.[84] The military leader of the Christians who conquered Barbastro included among the captives that were his part of the booty virgins who were eight and ten years old. The conquerors took possession of the houses with their inhabitants and all their belongings: women were raped in front of their relatives, those who were married in front of their husbands, and virgins in front of their fathers, who were powerless, because they were held in chains; Muslim women so abused were eventually passed to slaves, so that they could then take pleasure with them. When the conquest of Coimbra took place

81. Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Oxford, 2006) and Ali, *Marriage and Slavery in Early Islam* (Cambridge, MA, 2010). The abundance of Christian women enslaved during the campaigns of al-Manṣūr b. Abī ʿĀmir meant that free Muslim women had difficulties in getting married: al-Marrākushī, *Kitāb al-Muʿjib*, p. 26; trans. Huici Miranda, p. 30.
82. Women and children were taken prisoner during the Muslim conquest of al-Andalus: *Fatḥ al-Andalus*, p. 34/27, paragraph 44. Gaca, 'Girls, women, and the significance of sexual violence in ancient warfare', p. 87. Gaca points out that:

    > [W]hen predation and/or retribution still inform the expansionist goals, then the objective of taking captive girls and women as subaltern wives, concubines, prostitutes, and slaves remains central, such as taking them for the purpose of exploiting their indigenous knowledge and their capacity to reproduce and to perform other kinds of labor.

83. Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, pp. 51, 83, 224–9, 238–9, 253–4; trans. Maíllo, pp. 57, 81, 188–91 (Barbastro) and 198–9, 211–13 (Coimbra); Manuela Marín, 'Crusaders in the Muslim West: the view of the Arab writers', *The Maghreb Review* 17 (1992), pp. 95–102.
84. On Muslim conceptions of virgins, see Marín, *Mujeres en al-Ándalus*, pp. 162–4. In Anglo-Saxon England, the rape of a non-virgin was considered a lesser offence than the rape of a virgin by the late ninth century: Coleman, 'Rape in Anglo-Saxon England', pp. 195, 198, 203.

in 456/1063–4, al-Bakrī reports that 7,000 virgins were taken captive.[85] These stories convey the same horror that we have seen in the story told about the father whose daughter was taken by the Christians during the Cordoban *fitna*. They are recorded to emphasise certain specific episodes that were seen as especially significant and were meant to serve as rallying cries to incite the Muslims of al-Andalus to stop the Christian advance: these are narratives that seek to stir emotions leading to cohesive responses of groups or communities against other groups or communities.[86] Otherwise, silence reigns on the fate of women.[87] After all, it was taken for granted that soldiers – be they Muslims or not – will seize the opportunities for pillage and rape presented to them.[88] This fact, which of course is not stated as such in any Muslim source, particularly in connection with Muslim armies, surfaces in the inclusion of a talisman to protect women from rape on the part of soldiers – in general – in the fourth/tenth century Andalusi work *Ghāyat al-ḥakīm*.[89]

As for the fate of Muslim women at the hands of Muslim men, it appears to find if not more space, at least more emphasis in both historical and legal sources, especially in order to signify the dangers of *fitna* and the de-legitimisation of those rulers who follow the path of oppression and depravity.[90] In the cases

85. For the reverse situation, see Francisco García Fitz, 'El Islam visto por Alfonso X', in *Cristianos y musulmanes en la Península Ibérica: la guerra, la frontera y la convivencia* (León, 2009), pp. 395–432; Dana Carleton Munro, 'Did the Emperor Alexius I ask for aid to the Council of Placenza, 1095?' *The American Historical Review* 27.4 (1922), pp. 731–3.
86. Joanna Bourke, 'Fear and anxiety: writing about emotion in modern history', *History Workshop Journal* 55 (2003), pp. 113–22.
87. The fate of women in times of war is something that transculturally has tended to be silenced, even in contemporary times: Helen Durham and Tracey Gurd (eds), *Listening to the Silences: Women and War* (Leiden, 2005). On the breaking of the silence, see Gaca, 'Girls, women, and the significance of sexual violence in ancient warfare', pp. 74–5.
88. An example in *Manâqib d'Abû Ishâq al-Jabanyânî par Abû l-Qâsim al-Labîdî et Manâqib de Muhriz b. Halaf par Abû l-Tâhir al-Fârisî*, ed. and trans. Hady Roger Idris (Paris, 1959), pp. 68/255–7 (the intervention of a holy man saves a woman from being raped by Arabs during the revolt of Abū Yazīd against the Fātimids). See, on rape as a normal part of warfare, Friedman, 'Captivity and ransom', pp. 126–7, contrasting Muslim and Christian sources during the times of the Crusades; Bach, 'Rereading the body politic', pp. 391, 393, and Saunders, 'Sexual violence in wars', pp. 151, 153.
89. [Pseudo-]Majrīṭī, *Ghāyat al-Ḥakīm*, ed. H. Ritter, *Das Ziel des Weisen* (Leipzig, 1933), pp. 245–6; trans. Marcelino Villegas, *Picatrix: El fin del sabio y el mejor de los dos medios para avanzar* (Madrid, 1982), p. 277.
90. This is not exclusive to al-Andalus: see Peter Hardy, 'Force and violence in Indo-Persian writing on history and government in medieval South Asia', in *Islamic Society and Culture: Essays in Honour of Professor Aziz Ahmed*, eds Milton Israel and N. K. Wagle

dealing with the early Umayyad rulers of al-Andalus analysed here, the condemnation of Yūsuf's behaviour by the judge – who at the same time praised ʿAbd al-Raḥmān I – functions as a way of legitimising the new ruler, who acted according to law and morality, while the old ruler of al-Andalus is depicted as undeserving in both respects. A pragmatic view of the same episode would stress that ʿAbd al-Raḥmān I best served his own interests by acting as he did: as a newcomer who was trying to make the Andalusis accept him as a ruler, he had every reason to convey the image that he would be respectful of his potential subjects, and that the deposed ruler was morally tainted. A similar legitimising action is attributed to the 'founder' of another dynasty – that of the Fātimids of Ifrīqiyya: the missionary Abū ʿAbd Allāh, in the letter detailing the guarantee of safety (*amān*) he wrote after entering Raqqāda in 296/909, states that he would spare the women of the Aghlabid ruler Ziyādat Allāh's household from dishonour;[91] and also to the Ṭāʾifa king of Seville, al-Muʿtamid, who was incited to attack some rebels, kill them and rape their women, but refrained from doing so because of the nobility of his origins, his solid judgement, his good conduct and the good faith God had given him.[92] We may have here a *topos* of good rule. The Cordoban *fitna* that led to the abolition of the Umayyad caliphate is characterised precisely by the generalised absence of such behaviour.

Respect for the women of Muslim rebels is part of the legal normative on rebellion (*aḥkām al-bughāt*).[93] During al-Ḥakam I's repression of the Arrabal revolt, the entrance of the emir's troops into the houses of the rebels was accompanied not only by pillage, but also by rape and murder. Court historians tried hard to hide this fact and to portray the Umayyad emir as having acted according to the law, but they can be said to have been unsuccessful, probably because religious scholars had been among the rebels, so that another memory of the events was transmitted, and also because this historical episode served as an exemplary model for a change of political behaviour on the part of al-Ḥakam I's successor, ʿAbd al-Raḥmān II (r. 206/822–238/852). Contrary to the cruel and repressive policies of his father, the new emir attracted the support of

(Manohar, 1983), pp. 171, 172, 178, 181, 193. See also Saunders, 'Sexual violence in wars', pp. 153, 154, and A. Roberts, 'Introduction', in A. Roberts (ed.), *Violence against Women in Medieval Texts*, p. 6: it is not only that violations of physical bodies can be metonymies for violations of the political body, but rather than rape is a political metaphor in which female bodies are used to stage the conflict.

91. Sumaiya A. Hamdani, *Between Revolution and State: The Path to Fatimid Statehood* (London, 2006), pp. 23–4.
92. al-Marrākushī, *Kitāb al-Muʿjib*, p. 98; trans. Huici Miranda, pp. 110–11.
93. See above, n. 25.

the emerging group of religious scholars: law and order were now combined together.[94]

But even if ʿAbd al-Raḥmān II's reign marked the point at which the Cordoban Umayyad rulers realised that they had to follow the law, or at least present themselves as if they did, it did not mean that from then onwards the conduct of war against rebels would conform to the letter of the law. The judge of Seville, Muḥammad b. Junāda, appalled by the military commander Hāshim b. ʿAbd al-ʿAzīz's behaviour in his fight against Muslim rebels, intervened to save the women and children of the *muwalladūn*. These were rebels and Muslims, although being recent converts or 'new' Muslims their religious status could more easily be denied (the *muwallad* rebel Ibn Ḥafṣūn had even reconverted to the faith of his ancestors). It was the absence of God-fearing Muslims[95] like Muḥammad b. Junāda, who acted according to the law and reminded others to do the same, which was highlighted in the sources during another *fitna* period, that led to the abolition of the Umayyad caliphate at the end of the fourth/tenth century. Finally, sexual violence becomes a salient element in the representation of the Berbers, especially of the Ṣanhāja Zīrids. It is in references to them that we find the most detailed and 'physical' depictions of violence against women carried out, in order to serve political and military ends. What is achieved by these depictions is to set them up not only as the ethnic, but also as the religious 'Other': Berbers behave as Andalusis and true Muslims do not.[96] Other meanings could be extracted from the anonymous violated female bodies recorded in these and many other historical narratives, and they could also be compared with the meanings that have been established for other historiographical traditions,[97] but as Roberts reminds us, they also deserve to be thought – and felt – as bodies in pain, without the distraction of exegesis.[98]

94. On rape as a symbol of contemporary godlessness and a symptom of the general breakdown of order, see Coleman, 'Rape in Anglo-Saxon England', p. 195; Bach, 'Rereading the body politic', p. 390.
95. The scandal of such absence is commented upon by a Christian: Ibn ʿIdhārī, *al-Bayān al-mughrib*, 3, p. 89; trans. Maíllo, p. 85.
96. See the assimilation of the Berbers' way of fighting to that of the Christians in Marín, 'El ejército', p. 209.
97. See the five functions of rape identified by Kathryn Gravdal in *Ravishing Maidens: Writing Rape in Medieval French Literature and Law* (Philadelphia, 1991).
98. Roberts, 'Introduction', p. 3: 'The silencing and erasure of women's bodies through exegesis, a narrative violence, complements the narrative of violence.'

CHAPTER

11

SEXUAL VIOLENCE IN VERSE: THE CASE OF JIʿTHIN, AL-FARAZDAQ'S SISTER

*Geert Jan van Gelder**

At some time towards the end of the first/seventh century, a relatively trivial incident took place.[1] An Arab of the tribe of Tamīm called Hammām b. Ghālib visited a clan not his own, the Banū Minqar, also belonging to Tamīm. A woman, waking up her daughter called Ẓamyāʾ, found that a snake had crept into her clothes. She cried for help and Hammām, who happened to be nearby, chased the snake away by throwing some dust at it. The snake had probably been attracted by the warmth of the girl's body; Hammām was attracted to it in turn: he touched the girl and kissed her, but she resisted and he left, making a mocking epigram on her and her clan. When her relatives heard this, they were angry and one of them called ʿAmr (or ʿImrān) b. Murra, who was sent to play a trick upon Hammām's sister, Jiʿthin. ʿAmr lay in wait for her and approached her unawares when, at night, she left her tent 'to do her business'. He put his hands on her hip and her leg and dragged her along for some distance. She cried out and when her tribesmen hastened to the scene ʿAmr fled. In another version, there were, in fact, three other men, who together with ʿAmr/ʿImrān dragged Jiʿthin from her tent.

That was all; no more physical recriminations took place, nobody was raped or killed. We would not have known about the affair if this Hammām, Jiʿthin's brother, had not been a famous poet better known as al-Farazdaq, one of the great poets of the Umayyad period, and if he had not been involved in a protracted poetic battle, a 'flyting' or scolding match exchanging verbal abuse, with another

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1. There are several versions; this one is taken from al-Balādhurī's *Ansāb al-ashrāf*, ed. Maḥmīd al-Firdaws al-ʿAẓm (Damascus, 1998–2004), 11, pp. 78–9; compare Ibn Qutayba, *al-Shiʿr wa-l-shuʿarāʾ*, ed. Aḥmad Muḥammad Shākir (Cairo, 1966–7), pp. 472–3.

giant of Arabic literary history, the poet Jarīr b. ʿAṭiyya. Jarīr, universally lauded as a poet excelling in delicate love lyrics, heard about the matter and exploited it repeatedly in many of his lampooning poems, called *naqāʾiḍ*,[2] grossly blowing up the incident by graphically depicting a gang rape in obscene detail, while accusing the victim's brother of being scandalously remiss in rescuing her.

It is well known that the most popular way of vilifying a man in Arab society was, and still is, to impugn the sexual mores of his female relatives, preferably his mother or sisters, implying that the man is unable to control them and preserve his honour. It is still done using common vulgar expletives that one may hear on the street; it was also employed in high-status poetry. The poetry of Jarīr and al-Farazdaq[3] became a model for poetic excellence; their lexicon, idiom and grammar form an important part of the linguistically normative repertoire on which the classical Arabic language is based. The scholars and the literate in pre-modern times were no prudes, and Jarīr's numerous obscene passages are found in the standard redactions, which have been edited and printed in modern times. There are expurgated editions, too, such as the one published by Dār Ṣādir in Beirut, which is fit to be used in schools. For once, such bowdlerisation may be forgiven, for Jarīr's poems contain many gross, grotesque and graphic comparisons and metaphors. Until recently, modern scholarship has largely ignored these passages, even though Jarīr has always been highly valued, especially by literate Arabs. And even now, many scholars refrain from actual quotation. Salma Jayyusi, in a chapter on Umayyad poetry in the first volume of the *Cambridge History of Arabic Literature*, did not ignore them. She says of Jarīr that he 'was a biting satirist who lampooned over forty poets of his time, exposing them (and sometimes their women) to the vilest attacks imaginable', and that his satires are 'not only cruel and biting, but are irreligiously scabrous'.[4] However, she does not give any

2. On the genre, see, for example, G. J. H. van Gelder, 'Naḳāʾiḍ', *EI2*; Mohamed Bakhouch, 'L'art de la *naqīḍa* ou le poème détourné: essai de traduction', *Bulletin d'Études Orientales* 51 (1999), pp. 109–25; Bakhouch, 'L'art de la *naqīḍa*: étude de la première joute du recueil « *Naqāʾiḍ Ǧarīr wa-l-Aḫṭal* »', *Middle Eastern Literatures* 14 (2011), pp. 21–69; Albert Arazi, 'La collision des genres dans les *al-Naqāʾiḍ* de Jarīr et d'al-Farazdaq', *Jerusalem Studies in Arabic and Islam* 33 (2007), pp. 99–148; Ali Ahmad Hussein, 'The formative age of *Naqāʾiḍ* poetry: Abū ʿUbaydah's *Naqāʾiḍ Jarīr wa-'l-Farazdaq*', *Jerusalem Studies in Arabic and Islam* 34 (2008), pp. 499–528.
3. On them, see, for example, Kristen Brustad, 'Jarir', in *Arabic Literary Culture, 500–925: Dictionary of Literary Biography, Vol. 311*, eds Michael Cooperson and Shawkat Toorawa (Detroit, 2005), pp. 243–51; R. Blachère, 'al-Farazdaḳ', in *EI2*; Salma K. Jayyusi, 'Umayyad poetry', in *Arabic Literature to the End of the Umayyad Period*, eds A. F. L. Beeston T. M. Johnstone, R. B. Serjeant and G. R. Smith (Cambridge, 1983), pp. 387–432, see especially pp. 401–12.
4. Jayyusi, 'Umayyad poetry', p. 405.

examples and leaves it to the reader to imagine these 'vilest attacks imaginable'. Jayyusi briefly mentions the incident involving Jiᶜthin and Jarīr's lifetime project of describing what she calls 'Jiᶜthin's sensual orgies'.[5] She admits that the satire is often full of comical imagery, but condemns Umayyad satire about women as being generally 'excessively gross and obscene', too grotesque and lacking humour: 'they cross the frontiers of satire into pornographic fantasies that arrive at absurdity'.[6] Apparently condemning both pornography and absurdity, she does not mention that these two things were precisely what the poet intended.

At least some examples must be given in this article. Jarīr mentions the incident involving Jiᶜthin in some thirty of his poems, either very briefly or in more extended passages. All the passages occur in longer poems, in which he inveighs against al-Farazdaq and his clan, enumerating several other shameful matters. Sometimes he merely drops Jiᶜthin's name. In a long poem of ninety-two lines[7] he addresses his adversary with:[8]

أَنسيتَ ويلَ أبيكَ غدْرَ مُجاشِعٍ ومَجَرَّ جِعْثِنَ ليلةَ السِّيدانِ

a-nasīta wayla abīka ghadra mujāshiᶜin | wa-majarra jiᶜthina laylata l-sīdānī

Have you forgotten, damn your father, the treachery of Mujāshiᶜ
or the dragging of Jiᶜthin, on the night of al-Sīdān?

The two words *majarr Jiᶜthin*, 'the dragging of Jiᶜthin', occur seven times in Jarīr's verse; they are meant to evoke the event or rather the more elaborate passages of the fictionalised, imagined rape, such as the following:[9]

يقول المِنْقَريُّ وأبركوها رخيصٌ مَهْرُ جعثنَ غيرُ غالي
تقول قتلتَني ويقول مَوْتي ولو رَغَمَ الفرزدقُ لا أُبالي
مدحتَ بني الأشَدّ وغادَروها رحيبَ الفرْج واسعةَ المَبالِ
إذا دعتِ الفرزدقَ زحّروها بكلّ إطارِ قَهْبَلِسٍ عُضال

5. Jayyusi, 'Umayyad poetry', p. 411. Roger Allen also briefly mentions the incident in his *The Arabic Literary Heritage: The Development of its Genres and Criticism* (Cambridge, 1998), p. 152.
6. Jayyusi, 'Umayyad poetry', pp. 410, 412.
7. Abū ᶜUbayda, *Naqāᵓiḍ Jarīr wa-l-Farazdaq* (3 vols), ed. Anthony Ashley Bevan (Leiden, 1905–12) (henceforth, *Naq.*), pp. 888–905; Jarīr, *Dīwān bi-sharḥ Muḥammad Ibn Ḥabīb*, ed. Nuᶜmān Muḥammad Amīn Ṭāhā (Cairo, 1986) (henceforth, *Dīw.*), pp. 1008–16.
8. *Naq.*, p. 893; *Dīw.*, p. 1010. I shall not discuss in detail all the allusions to other events or the philological difficulties of this and the following quotations; see the commentaries in the editions (which by no means solve all the problems).
9. *Dīw.*, p. 548.

yaqūlu l-minqariyyu wa-abrakūhā
rakhīṣun mahru jiᶜthina ghayru ghālī
taqūlu qataltanī wa-yaqūlu mawtī
wa-law raghama l-farazdaqu lā ubālī
madaḥta banī l-ashaddi wa-ghādarūhā
raḥība l-farji wāsiᶜata l-mabālī
idhā daᶜati l-farazdaqa zaḥḥarūhā
bi-kulli iṭāri qahbalisin ᶜuḍālī

The man from Minqar says, after they have made her kneel,
'That's a cheap bride-price for Jiᶜthin, not expensive!'
She says, 'You've killed me!', but he says, 'My death? Even if
al-Farazdaq would humble himself I don't care!'
You praised the Banū l-Ashadd but they left her
with wide-open private parts and a broad piss-hole.
When she called for al-Farazdaq they made her moan
with many a knob of an enormous prick.

Or the following, from another long poem of 122 lines:

لم يَخْفَ غَدْرُكما بغَوْرِ تِهامةٍ ومَجَرُّ جعثنَ والسماعُ الأشنعُ
أختُ الفرزدق من أبيه وأمّه باتت وسِيرتُها الوجيفُ الأرفعُ
قد تَعْلم النَّخَباتُ أنّ فَتاتَهُمْ وُطئتْ كما وُطئ الطريقُ المَهْيَعُ
هَلاّ غضِبتَ على قرومِ مُقاعِسٍ إذ عجّلوا لكُمُ الهَوانَ فأسرّعوا
نُبِّئتُ جعثنَ دافعتْهُمْ بـأسْتِها إذ لم تجدْ لمُجاشعٍ من يدْفعُ
أمَدحْتَ وَيْحَكَ مِنْقَراً أن ألزقوا بالحار قَيْنِ فأرسلوها تَظْلَعُ
باتت بكلّ محرَّفٍ حامي القَفا حابي الضلوع مُقاعسيٍّ تُكْسَعُ
يا ليت جعثنَ عند حُجرة أُمّها إذ تستدير بها البلادُ فتُصْرَعُ
قال الفرزدق وابنُ مُرَّةَ جامحٌ كيف الحياةُ وفيكِ هذا أجمعُ
وجدوا لجعثنَ حين قبقبتِ أسْتُها مِثْلَ الوَجار أوى إليه الأَضْبُعُ
هدّموا وَجارَكِ بعدما خبّرْتِهمْ ألاّ تكادُ تجوز فيه الإصبعُ
جُرَّتْ فتاةُ مُجاشعٍ في مِنْقَرٍ غيرَ المِراء كما يُجَرّ المِيكَعُ
يبكي الفرزدقُ والدِّماءُ على أسْتِها قُبْحاً لتلك غروبَ عيْنٍ تدمَعُ
أوْقدْتَ نارَك فاستضأْتَ بـخِزْيةٍ ومن الشهود خَشاخِشٌ والأجرَعُ
تَبّاً لجعثنَ إذ لقِيتَ مُقاعساً متخشّعاً ولأيّ شَكْرٍ تَخْشَعُ

lam yakhfa ghadrukumū bi-ghawri tihāmatin
wa-majarru jiᶜthina wa-l-samāᶜu l-ashnaᶜū
ukhtu l-farazdaqi min abīhi wa-ummihī
bātat wa-sīratuhā l-wajīfu l-arfaᶜū

qad taᶜlamu l-nakhabātu anna fatātahum
wuṭiʾat kamā wuṭiʾa l-ṭarīqu l-mahyaᶜū
hallā ghaḍibta ᶜalā qurūmi muqāᶜisin
idh ᶜajjalū lakumū l-hawāna fa-asraᶜū
nubbiʾtu jiᶜthina dāfaᶜat'hum bi-stihā
idh lam tajid li-mujāshiᶜin man yadfaᶜū
a-madaḥta wayḥaka minqaran an alzaqū
bil-ḥāriqayni fa-arsalūhā taẓlaᶜū
bātat bi-kulli muḥarrafin ḥāmī l-qafā
ḥābī l-ḍulūᶜi muqāᶜisiyyin tuksaᶜū
yā layta jiᶜthina ᶜinda ḥujrati ummihā
idh tastadīru bihā l-bilādu fa-tuṣraᶜū
qāla l-farazdaqu wa-bnu murrata jāmiḥun
kayfa l-ḥayātu wa-fīki hādhā ajmaᶜū
wajadū li-jiᶜthina ḥīna qabqabati stuhā
mithla l-wajārī awā ilayhi l-aḍbuᶜū
haddamū wajāraki baᶜdamā khabbartihim
allā takādu tajūzu fīhi l-iṣbaᶜū
jurrat fatātu mujāshiᶜin fī minqarin
ghayra l-mirāʾi kamā yujarru l-mīkaᶜū
yabkī l-farazdaqu wa-l-dimāʾu ᶜalā stihā
qubḥan li-tilka ghurūba ᶜaynin tadmaᶜū
awqadta nāraka fa-staḍaʾta bi-khizyatin
wa-mina l-shuhūdi khashākhishun wa-l-ajraᶜū
tabban li-jiᶜthina idh laqīta muqāᶜisan
mutakhashshiᶜan wa-li-ayyi shakrin takhshaᶜū[10]

Your treachery in the lowland of Tihāma is not hidden,
nor is the dragging of Jiᶜthin and the horrible report.
Al-Farazdaq's sister, daughter of his father and mother,
spent the night going along in a fast gallop.
The cowards surely knew that their girl
was being trodden upon like a main road.[11]
Will you not be angry with the heroes of Muqāᶜis,
when they hurried to bring humiliation upon you?
I have been told that Jiᶜthin defended herself against them with her arse,
since she did not find anyone from Mujāshiᶜ to defend her.

10. *Naq*., pp. 978–80; *Dīw*., 918–19.
11. *waṭiʾa*, 'to tread', is a common euphemism for 'to have sexual intercourse, to mount'.

Did you praise, damn you, Minqar for clinging
to her thighs[12] and for letting her go with a limp?
She spent the night with all those distorted, (?) hot-necked (?),
thick-ribbed men of Muqāᶜis, being kicked in the arse.
Ah, if only Jiᶜthin were in her mother's room,
when she was made to go round the country, thrown down!
Al-Farazdaq said, when Ibn Murra was a restive horse,
'How can one live when all this has happened to you!'
They found that Jiᶜthin, when her arse plop-plopped,
had something like a hole in which hyenas shelter.
They wrecked your hyena hole, while before (as you told them)
a finger could hardly enter it.
The girl of Mujāshiᶜ was dragged among the men of Minqar,
– it cannot be disputed – like a water-skin is dragged.
Al-Farazdaq wept, with the blood on her arse –
a curse on those tearful eyes!
You lit your fire and cast light on your own shame;
Khashākhish and al-Ajraᶜ[13] are among the witnesses.
May Jiᶜthin perish, when you met Muqāᶜis,
humbly; and for what a mating were you humbled!

Or:

أَتَنْسَوْن الزُّبيرَ ورهْطَ عَوْفٍ وجعثنَ بعد أعْيَنَ والرَّبابا
ألم تر أنّ جعثنَ وسْطَ سَعْدٍ تُسَمّى بعد قِضّتها الرُّحابا
تُحَزجِزُ حين جاوَزَ رُكْبتَيْها وهزَّ القُرْبَريُّ لها فغابا
إذا سعلتْ فتاةُ بني تميمٍ تَلَقَّمبابُ عِضْرِطِها التُّرابا
ترى بَرَصاً بمَجْمَع إسْكتَيْها كعَنْفَقةِ الفرزدقِ حين شابا

a-tansawna l-zubayra wa-rahṭa ᶜawfin
wa-jiᶜthina baᶜda aᶜyana wa-l-rabābā
a-lam tara anna jiᶜthina wasṭa saᶜdin
tusammā baᶜda qiḍḍatihā l-ruḥābā
tuḥazḥizu ḥīna jāwaza rukbatayhā
wa-hazza l-quzbariyyu lahā fa-ghābā
idhā saᶜalat fatātu banī tamīmin

12. Literally, 'to the two sinews of the thighs'.
13. Place names.

talaqqama bābu ᶜiḍriṭihā l-turābā
tarā baraṣan bi-majmaᶜi iskatayhā
ka-ᶜanfaqati l-farazdaqi ḥīna shābā[14]

Are you forgetting al-Zubayr and the men of ᶜAwf,
and Jiᶜthin, after Aᶜyan and al-Rabāb?
Did you not see Jiᶜthin among the men of Saᶜd,
called 'the broad' after her virginity?
She waggled (wriggled, wiggled?) her rump when he went beyond her knees
and shook towards her a mighty dong, which subsequently disappeared.
When the girl of the Banū Tamīm coughs,
the gate of her perineum is fed with dust.
One can see a white leprous spot where her labia are joined,
like the tuft of hair on al-Farazdaq's lower lip when it is grey.

The last, grotesque line is often quoted by the critics and anthologists. Rather than condemning it, they mention it for its 'wonderful comparison' (*ᶜajīb al-tashbīh*), as did al-Mubarrad (d. 285/898).[15] It is quoted, without commentary, in the first monograph on poetic similes, by Ibn Abī ᶜAwn (d. 322/934).[16] It is said that al-Farazdaq, when he heard the first hemistich, put his hand to the hair on his chin, expecting the second hemistich, even though he had not heard it before. This is impossible to imagine, and one is disposed to believe, with Yūnus b. Ḥabīb (d. 182/798), that when al-Farazdaq covered his chin, Jarīr improvised the image on the spot.[17] Ibn ᶜAbd Rabbih (d. 328/940) quotes this and a few other lines by Jarīr and Abū Nuwās as examples of 'the best of what was said on something ugly', with a paradoxical or oxymoronic collocation of *aḥsan* 'best, most beautiful' and *qabīḥ* 'bad, ugly'.[18] In another anecdote, cited by Abū Hilāl al-ᶜAskarī (d. 328/940), the line is simply called *aqbaḥ bayt*, 'the ugliest, or vilest line', by a Bedouin interrogated about striking lines by the caliph ᶜAbd al-Malik,[19] but it seems that this was meant as a compliment, rather

14. *Naq*., pp. 439–40; *Dīw*., pp. 816–17.
15. al-Mubarrad, *al-Kāmil*, ed. ᶜAbd al-Ḥamīd al-Hindāwī (Beirut, 1999), 2, p. 352.
16. Ibn Abī ᶜAwn, *al-Tashbīhāt*, ed. Muḥammad ᶜAbd al-Muᶜīd Khān (London, 1950), p. 406.
17. al-Mubarrad, *al-Kāmil*, 2, p. 352; Abū al-Faraj al-Iṣfahānī, *al-Aghānī* (Cairo, 1927–74), 8, pp. 34–5; 24, p. 211.
18. *al-ᶜIqd al-farīd*, eds Aḥmad Amīn, Aḥmad al-Zayn and Ibrāhīm al-Ibyārī (Beirut, 1983; reprint edn Cairo, 1948–53), 4, p. 300.
19. Abū Hilāl al-ᶜAskarī, *Dīwān al-Maᶜānī* (Cairo, n. d.), 1, p. 77.

than a condemnation. It was this line, too, that prompted al-Jāḥiẓ to remark, in a passage on leprous people:[20]

> This is merely silliness and obscenity (*safah wa-tafaḥḥush*) by means of which one seeks to anger the person to which it is attributed. Angry and silly people, when annoyed, often say similar things. However, when someone says to another, 'You son of such-and-such a woman!' he does not expect people to take his words as a true testimony; he merely vents his anger, wanting to utter obscenities and to infuriate the other.

Jarīr does not merely want to vent his anger or infuriate and humiliate his opponent, he wants to amuse others. Many of his *naqāᵓiḍ* contain grotesque and far-fetched comparisons that were obviously intended to make his audience laugh, and we know he succeeded, even though our sensitivities or sense of decorum may prevent us from laughing aloud or even inwardly. Similar comparisons are the following:

وهمْ شدخوا بَواطنَ حارقَـيْها بمثْل فَراسنِ الجَمَل الشآمي

wa-hum shadakhū bawāṭina ḥāriqayhā
bi-mithli farāsini l-jamali l-shaᵓāmī[21]

They bruised the insides of her labia[22]
with the like of the hooves of Syrian camels.

بات ابن مُرّةَ قد علمتَ يهُزّها غَمْزَ الطبيبِ مكانَ عَظْمِ الفائـقِ

bāta bnu murrata qad ᶜalimta yahuzzuhā
ghamza l-ṭabībi makāna ᶜaẓmi l-fāyiqī[23]

All night Ibn Murra, as you know, shook her,
probing her as a doctor probes the vertebra of the neck.

20. al-Jāḥiẓ, *al-Burṣān wa-l-ᶜurjān wa-l-ᶜumyān wa-l-ḥūlān*, ed. ᶜAbd al-Salām Muḥammad Hārūn (Beirut, 1990), pp. 162–3.
21. *Naq*., p. 1017; *Dīw*., p. 198.
22. Thus, according to the commentator, who says that *al-ḥāriqān* normally means 'two sinews in the thigh'.
23. *Dīw*., p. 390.

تناومْتَ يابنَ القَيْن إذ يَخْلِجونها كخَلْج الصواريّ السفينَ المقَيَّرا

...

وباتت تُنادي غالباً وكأنما يشُقُّون زِقّاً مسَّهُ القارُ أشعَرُ

tanāwamta yā bna l-qayni idh yakhlijūnahā
ka-khalji l-ṣarāriyyi l-safīna l-muqayyarā
. . . wa-bātat tunādī ghāliban wa-ka-annamā
*yashuqqūna ziqqan massahu l-qāru ash*ᶜ*arā*[24]

You pretended to be asleep, blacksmith's son, when they dragged her
as sailors drag a boat covered with pitch.
. . . All night she called for Ghālib. It was as if they
were splitting a wine-skin decked with tar, a hairy one.

وقد دمِيَتْ مَواقعُ رُكْبتيْها من التَّبْراكِ ليس من الصلاةِ
تَبيتُ الليلَ تُسْلَق إسْكتاها كدأب التُّرْك تلعب بالكُراتِ

wa-qad damiyat mawāqiᶜu rukbatayhā
mina l-tabrāki laysa mina l-ṣalāti
tabītu l-layla tuslaqu iskatāhā
ka-daʾbi l-turki talᶜabu bil-kurātī[25]

The places where her knees had been were bloody
from her kneeling – but not in ritual prayer.
All night her labia were being battered
– it was like Turks playing with a ball.

شُبِّهتْ شِعْرتُها إذا ما أُبركتْ أُذْنَيْ أزَبَّ يفُرُّه السِّمْسارُ

shubbihat shiᶜratuhā idhā mā ubrikat
udhnay azabba yafurruhū l-simsārū[26]

Her pubic hair, when she was made to kneel, was like
the two ears of a hairy horse examined by the farrier.

على حَفَر السِّيدانِ باتت كأنها سفينةُ مَلاحٍ تُقادُ وتُجْذَفُ

24. *Naq*., p. 1001; *Dīw*., pp. 479–80.
25. *Naq*., p. 778; *Dīw*., p. 829.
26. *Naq*., p. 856; *Dīw*., p. 869.

ᶜalā ḥafari l-sīdāni bātat ka-annahā
safīnatu mallāḥin tuqādu wa-tujdafū[27]

All night at Ḥafar al-Sīdān she was like
a sailor's boat, being steered and rowed along.

وكأنّ جعثنَ كُلِّفتْ فَخّارةً يَغْلي بها تَنُّورُ جِصٍّ مُطْبَق
لا خيرَ في غَضَب الفرزدق بعدما سلخوا عِجانَكِ سَلْخَ جِلدِ الرُّوذَقِ
تدْعو الفرزدقَ والأشَدُّ كأنما يَكْوي اسْتَها بعَمودِ ساجٍ مُحْرَقِ

wa-ka-anna jiᶜthina kullifat fakhkhāratan
yaghlī bihā tannūru jiṣṣin muṭbaqī
lā khayra fī ghaḍabi l-farazdaqi baᶜdamā
salakhū ᶜijānaki salkha jildi l-rūdhaqī
tadᶜū l-farazdaqa wa-l-ashadda ka-annamā
yakwī stahā bi-ᶜamūdi sājin muḥraqī[28]

It was as if Jiᶜthin was made to carry a clay pot
that boiled in a covered plastered oven-pit.
Al-Farazdaq's anger was of no avail after
they had flayed your perineum as a ram is flayed.
She cried for al-Farazdaq while al-Ashadd (i.e. ᶜImrān b. Murra), as it were,
branded her arse with a pole of burnt teak-wood.

This, although a mere tip of a sand-dune, should be sufficient to give an idea of Jarīr's variations on a theme. However, Jarīr was not the only poet to indulge in such sexual invective. His adversary, al-Farazdaq, also used obscenity as a lampooning tool:

يَبْكي على دِمَن الديار وأُمُّه تَـعلو على كَمَر العَبيد وتَسْفَلُ

yabkī ᶜalā dimani l-diyāri wa-ummuhū
taᶜlū ᶜalā kamari l-ᶜabīdi wa-tasfalū[29]

He is crying on the dungheaps of the abandoned campsites, while his mother,
on the tips of the slaves' penises, is going up and down.

27. *Naq*., p. 593, *Dīw*., p. 930.
28. *Naq*., p. 845, *Dīw*., p. 937.
29. *Naq*., p. 203.

جاءوا بـحِقّةَ مُفْرِمِين عِجانَها يَحْدو الأتانَ بها أجيرٌ مِرحَلُ
وقفتْ لتَزْجُرني فقلتُ لها ابْرُكي يا حِقُّ أنتِ وما جمعتِ الأسفلُ
وكشفتُ عن أيْري لها فتجحْدلتْ وكذاك صاحبةُ الوِداق تَجَحْدَلُ
لقِيَتْ أخا نَـعْظٍ لها متبذّلاً وأخو المفاضَحة الذي يتبذّلُ
وتركتَ أُمَّكَ يا جريرُ كأنها للناس باركةً طريقٌ مُعْمَلُ
وكأنما كَمَرُ الغُواة على ٱستها أورادُ ما سَقَتِ النِّباجُ فثَـيْتَلُ
يا حِقُّ ما نُبِّئْتُ من رجلٍ له خُصْيانِ إلاّ ابنَ المَراغة يَحْبَلُ
شرِبَ المَنيّةَ فأصبحتْ في بطنه بَظْراءُ أسفلُ بَظْرها يتأكّلُ

jāʾū bi-ḥiqqata mufrimīna ᶜijānahā
yaḥdū l-atāna bihā ajīrun mirḥalū
waqafat li-tazjuranī fa-qultu lahā brukī
yā ḥiqqu anti wa-mā jamaᶜti l-asfalū
wa-kashaftu ᶜan ayrī lahā fa-tajaḥdalat
wa-ka-dhāka ṣāḥibatu l-widāqi tajaḥdalū
laqiyat akhā naᶜzin lahā mutabadhdhilan
wa-akhū l-mufāḍaḥati lladhī yatabadhdhalū
wa-taraktu ummaka yā jarīru ka-annahā
lil-nāsi bārikatan ṭarīqun muᶜmalū
wa-ka-annamā kamaru l-ghuwāti ᶜalā stihā
awrādu mā saqati l-nibāju fa-thaytalū
yā ḥiqqu mā nubbiʾtu min rajulin lahū
khuṣyāni illā bna l-marāghati yaḥbulū
shariba l-maniyya fa-aṣbaḥat fī baṭnihī
baẓrāʾu asfalu baẓrihā yataʾakkalū[30]

They brought Ḥiqqa,[31] having stuffed her perineum,
while a hireling, saddler of beasts, was singing to make the she-ass go.
She stopped to scold me but I said to her, ‘On your knees,
Ḥiqqa, you and your collected works (i.e. lampoons on me) will be underneath!’
And I bared my prick to her. She cowered,
just as a she-ass in heat cowers.
She found someone with a hard-on, who had changed into easy clothes;
and someone who does scandalous things will change into easy clothes.
And I left your mother, Jarīr, as if she were,
kneeling, for the people a well-trodden road.
The penis-knobs of the infatuated ones on her arse

30. *Naq*., pp. 204–7.
31. The name of a woman sometimes said to be Jarīr’s mother (*Naq*., pp. 202, 205).

were like travellers coming to the wells of (the villages of) al-Nibāj and Thaytal.
Ḥiqqa, I have never heard about a man with
two testicles who got pregnant, except al-Marāgha's son (i.e. Jarīr).
He drank the sperm and in his belly there grew
an uncircumcised woman whose clitoris is itching at the end.

And so on.

One should not think, of course, that the obscenities and sexual violence in Umayyad poetry are the expressions of uncouth Bedouin life still unrefined by the polite society of an urban environment. Urban poets in the ᶜAbbāsid period easily rivalled the obscenity of the Umayyad poets, with new refinements and adding a new dimension by introducing homosexual themes. Among later poets, one may single out Ibn al-Rūmī in the third/ninth century, whose obscene lampoons include numerous pieces, especially on slave women or singers such as Shunṭuf, which, if anything, are still more graphic than Jarīr's verses on Jiᶜthin. Slave women were obviously fair prey, legitimate targets for obscenity. Sexual invective before the time of Jarīr and al-Farazdaq is not very common, however.[32] The rise of sexual invective in poetry coincides with poetry becoming a form of public amusement. We could almost say that sexual invective came into being with Islam and the founding of urban centres such as Basra and Kufa, where the flytings found a wide audience.

The case of Jiᶜthin is singled out here because it is prominent in the oeuvre of one of the great poets. Jarīr was, in fact, blamed for repeating himself. Abū ᶜUbayda (d. 210/825), when asked who was the better poet, Jarīr or al-Farazdaq, replied with a rhetorical counter-question:

> Hasn't Jarīr said about al-Farazdaq anything except three things: (the matter of) al-Zubayr (the case of) Jiᶜthin, and the (fact that he calls him the descendant of a) *qayn*, 'blacksmith'? But al-Farazdaq says about him a hundred different things![33]

32. See, for instance, al-Aghlab al-ᶜIjlī on Sajāḥ and Musaylima, Muḥammad b. Sallām al-Jumaḥī, *Ṭabaqāt fuḥūl al-shuᶜarāʾ*, ed. Maḥmūd Muḥammad Shākir (Cairo, 1952), pp. 573–5. It was not wholly a male art: a woman called Umm Jaᶜd more or less raped the well-known pre-Islamic poet Aws b. Ḥajar, it is told, making some obscene verses into the bargain, and when Aws fled she followed him, exclaiming in *rajaz* verse: *aṭlubu Awsan lā urīdu ghayrah | nāyaktuhū fa-shaqqa baẓrī ayrah* ('I want Aws and no-one else. I fucked him and my clit split his prick.'); see Abū Ḥayyān al-Tawḥīdī, *al-Baṣāʾir wa-l-dhakhāʾir*, ed. Wadād al-Qāḍī (Beirut, 1988), 11, p. 67; cf. Ibn Abī ᶜAwn, *al-Ajwiba al-muskita* = *Das Buch der schlagfertigen Antworten*, ed. May A. Yousef (Berlin, 1988), p. 184.

33. Muḥammad b. ᶜImrān al-Marzubānī, *al-Muwashshaḥ fī maʾākhidh al-ᶜulamāʾ ᶜalā l-shuᶜarāʾ*, ed. ᶜAlī Muḥammad al-Bajāwī (Cairo, 1965), p. 193.

There are several variants of this statement; in one of them, al-Akhfash al-Akbar (d. 177/793) says: 'Jarīr lampooned al-Farazdaq only with three things which he repeats in his poetry, all of which are lies: Jiᶜthin, al-Zubayr, and the blacksmith.'[34]

Do the categories 'legitimate' and 'illegitimate' apply to poetry? In a sense, they do, of course, because Islamic law, an allegedly divinely inspired law, encompasses any human behaviour, at least in theory and in the wishful thinking of the jurists and the ultra-pious. The legal textbooks do not recognise an essential difference between poetry and ordinary speech: 'poetry ranks as all speech: whatever is good in it is like what is good in ordinary speech, and whatever is bad in it is like what is bad in ordinary speech' – a statement sometimes attributed to the Prophet.[35] Poetry, however, has a special place, in that it is a domain in which one can traditionally say things that one cannot say in ordinary speech. That poetry is a discourse with a difference is clear, for instance, from the fact that in Arabic virtually every text can be introduced, and is nearly always introduced by Muslim Arabs, with the *basmala*: a Sura of the Qurᵓān, a book, a letter, a speech, a sermon. Nobody would object to using the formula in these genres; except for poems, about which opinions are divided. The poet-critic Ibn Rashīq devotes a short section to this in his well-known encyclopaedia of poetry, *al-ᶜUmda*.[36] A poem does not start with *bi-smi llāh*[37] and some people think it should not even be written above the poem when it is presented, for instance, to a patron. The status of Arabic poetry in this respect is not too different from that of belles-lettres in Western countries; witness the discussions in more or less recent

34. al-Marzubānī, *Muwashshaḥ*, p. 193; cf. also pp. 194–8; Abū Hilāl al-ᶜAskarī, *Kitāb al-Ṣināᶜatayn al-kitāba wa-ᵓl-šiᶜr*, ed. ᶜAlī Muḥammad al-Bajāwī (Cairo, 1971), p. 30; Abū Bakr Muḥammad b. Yaḥyā al-Ṣūlī, *Akhbār al-Buḥturī*, ed. Ṣāliḥ al-Ashtar (Damascus, 1958), p. 175.
35. For example, Ibn Rashīq, *al-ᶜUmda fī maḥāsin al-shiᶜr wa-ādābihi wa-naqdih*, ed. Muḥammad Muḥyī l-Dīn ᶜAbd al-Ḥamīd (Cairo, 1934; reprinted Beirut, 1972), 1, p. 27; Abū al-Ḥusayn Isḥāq b. Ibrāhīm b. Wahb, *al-Burhān fī wujūh al-bayān*, ed. Ḥifnī Muḥammad Sharaf (Cairo, 1969), p. 151; Abū Ḥāmid al-Ghazālī, *Iḥyāᵓ ᶜulūm al-dīn* (Cairo, n. d.), 2, pp. 273; 3, p. 126; al-Zamakhsharī, *al-Kashshāf ᶜan ḥaqāᵓiq ghawāmiḍ al-tanzīl* (Cairo, 1977), 4, p. 188; *ad* Q 26:224; al-Jāḥiẓ, *Rasāᵓil*, ed. ᶜAbd al-Salām Muḥammad Hārūn (Cairo, 1964–79), 2, p. 160; al-Jāḥiẓ, *al-Qiyān*: *The Epistle on Singing-Girls of Jāḥiẓ*, ed. with trans. and com. by A. F. L. Beeston (Warminster, 1980), pp. 23–4; Geert Jan van Gelder, *The Bad and the Ugly: Attitudes Towards Invective Poetry* (Hijāᵓ) *in Classical Arabic Literature* (Leiden, 1988), p. 129.
36. Ibn Rashīq, *ᶜUmda*, 2, p. 309: *Bāb ḥukm al-basmala qabl al-shiᶜr*.
37. The seven consecutive long syllables of *bi-smi llāhi l-raḥmāni l-raḥīm* and even the three long syllables of *bi-smi llāhi* would make this impossible anyhow in any Arabic metre, but the variant *bi-smi l-ilāhi* could be accommodated in several metres.

decades about obscenity or blasphemy in literature. All these terms – obscenity, blasphemy and literature – are difficult to define, but in our case there can be no doubt that Jarīr's verses are, indeed, obscene, and that his poems belong to high-status literature. He is a poet who firmly belongs to the canon of Arabic literature. The literary quality of his verse is undisputed. The medieval critics were usually tolerant of the content of poetry. Qudāma b. Jaᶜfar (d. after 320/932), in his *Naqd al-shiᶜr*, says explicitly that a poet should not be blamed for contradicting himself in his verse, and that the quality of his poetry is not affected by obscene or 'scandalous' themes (*al-maᶜnā l-fāḥish, faḥāshat al-maᶜnā*).[38] ᶜAlī b. ᶜAbd al-ᶜAzīz al-Jurjānī (d. 392/1001), although a *qāḍī*, wrote in his book on the poetry of al-Mutanabbī that 'religion is detached from poetry' (*al-dīn bi-maᶜzil ᶜan al-shiᶜr*).[39] The Qurᵓān says that poets 'say things they do not do' (Q 26:226), which has been exploited by poets (including al-Farazdaq)[40] to exculpate themselves on occasion.

Jarīr was obviously grossly lying in his verse on Jiᶜthin and everyone knew it. Islamic law has some sanctions against lying: the most conspicuous one being the prescribed punishment (*ḥadd*) – eighty lashes in this case – of the perpetrator of *qadhf*, the false accusation of illicit sexual intercourse – one of the major sins. Al-Dhahabī, in his monograph on major sins, *al-Kabāᵓir*, lists it as number twenty-one.[41] The intercourse described in Jarīr's verse is certainly illicit, but Jiᶜthin is not accused of anything sinful: she is mostly described as a very unwilling victim, so, in this sense, Jarīr is not guilty of *qadhf*. The men described as rapists, however, especially Ibn Murra who is mentioned by name, could have taken the poet to court. It is unlikely that they ever contemplated this; in the tribal environment and ethos, matters of honour and shame were far more important than matters of sin and guilt. It might have been different if Jiᶜthin had been falsely described as initiating the illicit sex. Accusations of *qadhf* usually concern women being falsely accused, not men, the Qurᵓānic basis being Sūra Q 24:23, which only speaks of casting imputations on chaste women, even though the jurists extended *qadhf* to include the false accusation of men as well as women. Jarīr was actually flogged, together with another poet, for *qadhf* of women at the orders of al-Walīd b. ᶜAbd al-Malik, who said: 'Must you slander

38. Qudāma b. Jaᶜfar, *Naqd al-shiᶜr*, ed. S. A. Bonebakker (Leiden, 1956), pp. 4–5.
39. al-Qāḍī ᶜAlī b. ᶜAbd al-ᶜAzīz al-Jurjānī, *al-Wasāṭa bayn al-Mutanabbī wa-khuṣūmih*, eds Muḥammad Abū al-Faḍl Ibrāhīm and ᶜAlī Muḥammad al-Bijāwī (Cairo, n. d.), p. 64.
40. See the anecdote in al-Iṣfahānī, *al-Aghānī*, 31, p. 373; Ibn Qutayba, *al-Shiᶜr wa-l-shuᶜarāᵓ*, pp. 478–9; Ibn Qutayba, *ᶜUyūn al-akhbār* (Cairo, 1925–30), 2, p. 27; Ibn Dāwūd al-Iṣbahānī, *al-Zahra*, ed. Ibrāhīm al-Sāmarrāᵓī (al-Zarqāᵓ, 1985), p. 829.
41. al-Dhahabī, *al-Kabāᵓir*, ed. Saᶜīd al-Laḥḥām (Beirut, 1992), pp. 198–201.

chaste women (*a-taqdhifān al-muḥṣanāt*)?!'[42] The caliph is said to have ordered this flogging, because he was very 'godly' (*kāna yataʾallahu fī nafsih*) – an addition that seems to suggest that the reporter thought the flogging was uncalled for, and that the caliph was overly pious.

Jarīr was certainly guilty of slander, *namīma*, which is also forbidden in Islam; al-Dhahabī lists it as number forty-three in his *al-Kabāʾir*. One has the impression, however, that this was more a matter of morals than a legal matter, although one supposes that a judge could impose a discretionary punishment, *taᶜzīr*, if someone were taken to court.

One could sympathise with the men unjustly accused of rape; however, naturally, one pities far more strongly the poor Jiᶜthin, who is not accused of anything sinful, but described with such humiliating grossness that modern legislation on libel and slander would have little difficulty in finding redress for her shame. Although she cries out in Jarīr's lampoons, she herself remains silent and nobody seems to have been interested in her views; all sources merely state that she was a pious woman. The poems about Jiᶜthin raise some questions regarding ethics. I have written on invective before – for instance, in *The Bad and the Ugly*. One colleague told me at the time that she did not really like the book, not because the scholarship was bad, but because it dealt with vicious and obscene lampoons. I do not think that obscenities should be shunned in scholarly works, and I believe that the obscenity in works of literary quality should not disqualify them from being studied. Of course, anything that Jarīr composed is interesting. If similar lampoons in English were discovered and plausibly (or implausibly) ascribed to Shakespeare or T. S. Eliot, the critical world would naturally be shocked, yet would eagerly pounce on the poems. Nevertheless, one cannot suppress some slight qualms about exposing Jiᶜthin, this innocent Arab woman, again after more than 1,300 years. One is reminded of the qualms many people seem to have acquired, in recent times, about exhibiting mummies and similar human remains, which have led to some of these remains actually being removed from the prying eyes of the public. Personally, I think these qualms are exaggerated when they concern prehistoric bog people from whom nobody can claim to be directly descended or ancient Egyptians who have lived millennia ago and are either anonymous, or, like Tut Ankh Amon and Ramses II, so famous that they can be considered celebrities who have to pay the price of their fame, like present-day celebs. Jiᶜthin is neither anonymous nor a celebrity; nevertheless, I cannot see much harm in quoting and translating the verses about her alleged rape. One could argue that in reality it is not she who is exposed, nor is her

42. Ibn Sallām al-Jumaḥī, *Ṭabaqāt fuḥūl al-shuᶜarāʾ*, pp. 368–9; al-Iṣfahānī, *Aghānī*, 8, pp. 71–2; according to *Aghānī* (8, p. 82), the caliph was ᶜUmar b. ᶜAbd al-ᶜAzīz.

brother al-Farazdaq, even though this was Jarīr's intention: it is Jarīr himself who is exposed, as a poet who repeatedly turned his superior poetic gifts to humanly inferior purposes. However, we must be aware that we can only condemn him by our own standards, for by the standards of his own time and environment, his coarseness, in a genre that demanded occasional or even repeated coarseness, was wholly appropriate. Or perhaps even Jarīr had qualms, in his ripe age, if one gives credence to the report that 'he asked his Lord for forgiveness for what he had said about her (*viz.* Ji^{c}thin) and the lies he had told about her'.[43]

43. *Naq*., p. 682; ^{c}Abd al-Qāhir al-Baghdādī, *Khizānat al-adab wa-lubāb lisān al-^{c}arab*, ed. ^{c}Abd al-Salām Muḥammad Hārūn (Cairo, 1967–86), 1, p. 217; 3, p. 101.

CHAPTER

12

BANDITS

*Michael Cooperson**

This chapter deals primarily with two kinds of stories about bandits (in Arabic, anyone of whom it is said *kāna yaqṭa'u al-ṭarīq*). In stories of the first kind, bandits explain why they rob travellers. In stories of the second kind, biographers claim that various ᶜAbbāsid figures spent some of their lives as highwaymen. I will argue that the two kinds of reports may productively be read together. Admittedly, this material is too limited in quantity and too self-consciously literary to permit a reliable characterisation of rural unrest during the early ᶜAbbāsid period. Even so, a close reading of these reports will allow us to offer some tentative proposals about how banditry was imagined and, more generally, how the various genres of Classical Arabic narrative responded to the legal, ethical and moral questions raised by highway robbery.

As my title acknowledges, it is impossible to consider this subject without relying on the work of Eric Hobsbawm and his critics. In his foundational study (first published in 1969 and revised in 2000) of the phenomenon, Hobsbawm argues – to do him the disservice of a brutally truncated summary – that banditry is a form of protest against the exploitation of the peasantry. It is, moreover, remarkably similar in its manifestations all over the world: imagined as the avenger of wrongs, the bandit becomes a hero of popular memory.[1] In response, critics such as Anton Blok and Kim A. Wagner have pointed out that legend is not a reliable guide to the activities of real bandits. There are different kinds of

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1. Eric Hobsbawm, *Bandits* (London, 1969; revised edn London, 2000).

bandits, including some who, far from stealing from merchants and landlords, act in collusion with them. Bandits must therefore be studied on a case-by-case basis, with due attention given to local circumstances.[2]

With these points in mind, let us turn to our first report (I; T 4:259–63), one of several collected by al-Qāḍī al-Tanūkhī (d. 384/994) in his book about divine providence and narrow escapes.[3] This report is unusual, in that it features a narrator who is, or claims to be, a peasant. While camping near a mill, he shares his provisions with a very large man named Shaddād, who asks him what he is doing there. After the peasant explains that he must wait his turn to use the mill, Shaddād leaps up, stops the stone with his foot and demands that his friend be allowed to grind his grain. So the narrator jumps the queue. But now he is afraid to return to his village alone for fear of being robbed on the road. Shaddād thus agrees to accompany him. When the two reach the narrator's village, Shaddād is asked who he is. He explains that he and his brother used to earn a living by escorting caravans. On one of their journeys, they were captured by a savage, cave-dwelling bandit, who slaughtered and ate Shaddād's brother. After escaping and killing the cannibal, Shaddād decided to retire: 'I swore to God I would never go on the road or work as a guardsman ever again.'[4]

Even on the surface level, this report contains obviously fictional elements. Nevertheless, it contains enough incidental detail to seem plausible as a distillation of certain elements of rural experience. If we indulge this premise for a moment, we notice, first, that the strongman, rather than standing up for the peasants as a group, takes the side of one peasant against the others. Second, the narrator is afraid of being robbed on the road, presumably by bandits who prey on peasants. Third, the real bandit in the story – that is, the cave-dwelling cannibal – is no defender of the peasantry. On the contrary, he is a terrifying creature who is half human and half animal – the embodiment of what it meant to take up a life of itinerant violence outside the confines of society. In the world of the story, the fear of turning into such a creature may be what inspires the strongman to give up escorting caravans. Whatever the case, it is clear that renouncing violence is to acknowledge that living by the sword is wrong, even when, as in this case,

2. Anton Blok, 'The peasant and the brigand: social banditry reconsidered', *Comparative Studies in Society and History* 14.4 (September 1972), pp. 494–503; Kim A. Wagner, 'Thuggee and social banditry reconsidered', *The Historical Journal* 50.2 (2007), pp. 353–76.
3. Al-Tanūkhī, *al-Faraj baʿd al-shiddah*, ed. Abbūd al-Shāljī (Beirut, 1978); here abbreviated T. On him, see, most recently, Julia Bray, 'The physical world and the writer's eye: al-Tanūkhī and medicine', in *Writing and Representation in Medieval Islam*, ed. Julia Bray (London, 2006), pp. 215–49.
4. T 4, p. 263.

the strongman is protecting travellers, instead of robbing them. (In this case, the wrong may be against himself: by working as a guardsman, he is putting his own life in danger.) Appropriately enough, this renunciation is represented as a religious act: to mark his change of heart, the strongman swears an oath to God. In this way, too, the story is not very Hobsbawmian: bearing arms on the road, even to defend others, comes across as contrary to the moral order of the universe.

Turning now to al-Tanūkhī's other brigand stories, we find them using highway robbery as a pretext for more searching examinations of this moral order. In each of the following three examples, a traveller is waylaid by a bandit who offers an explanation for his conduct. As it turns out, some of these explanations resonate very satisfactorily with Hobsbawm's characterisations of brigandage. Even so, we cannot treat the reports as documentary evidence. Rather, we need to ask more circumspect questions: first, whether the narrator finds the bandit's explanation persuasive; and second, how he responds to it.

In story IIA,[5] the narrator (who happens to be al-Tanūkhī's father) is waylaid by a bandit on the road to Wāsiṭ. The bandit turns out to be the son of his former doorman, and, acknowledging the elder Tanūkhī's kindness to him as a child, lets him keep his property. Asked how he ended up as a bandit, he replies:

> I grew up having learned nothing more than how to fight, so I went to Baghdad and applied to the authorities, but no one would take me. Then these men joined me, and I started robbing people on the road. Now if the government had treated me right and given me the kind of job that a brave man like me deserves, I wouldn't be doing this to myself.[6]

Like so many of Hobsbawm's outlaws, this one turns out to be an unemployed soldier. His speech brings to mind Chase Robinson's work on the *khārijī* bandits of Mosul, who, whatever their moral pretentions, began their careers as militiamen.[7] And, like many of his counterparts around the world, he claims a sort of vernacular nobility: he has a sense of honour and wishes to be treated with respect.

But is his argument convincing to the narrator? In this case, no. Without commenting on the bandit's story, al-Tanūkhī the elder exhorts him to think of God and mend his ways: 'I applied myself to him', he reports, 'sermonizing and

5. T 4, pp. 234–7.
6. T 4, p. 237.
7. Chase F. Robinson, *Empire and Elites after the Muslim Conquest* (Cambridge, 2000), pp. 109–26.

trying to instill in him a fear of God'. But then, 'fearing that he might take my words amiss and turn against me, I cut short my exhortation'. The bandit evidently agrees that highway robbery is bad ('I wouldn't be doing this to myself'), but he stops short of repenting, as Shaddād did in story I. Even so, it is clear that, if he were to change his ways, his repentance would be a religious act, framed in terms similar to those used by Shaddād.

In story IIB,[8] the highwayman, identified as Ibn Ḥamdī, explains to his victim ('a merchant of Baghdad') that he is not the only one engaged in robbery and plunder:

> I call on God to judge between me and the regime that forced me to do this by cutting off our stipends. Nothing we're doing is worse than what the authorities are already doing. I don't have to tell you that Ibn Shīrzād in Baghdad confiscates people's property and drives them into penury. He'll take a wealthy man, hold him in prison, and not let him out until he's left him nothing but charity to live on. Al-Barīdī does the same thing in Basra and Wāsiṭ, and the Daylamīs do the same in Ahwāz. They take away people's farms, houses, and real estate, and even kidnap women and children. So just pretend that I'm one of them, and that we did a confiscation on you. (T 4:239)

As in IIA, the authorities are to blame. Here, though, they have not simply failed to provide gainful employment for trained fighters. Rather, the state itself practices robbery, and on a far greater scale than the bandits. Again, however, the victim is not persuaded. He responds by arguing that oppression and injustice cannot serve as precedents, and warns the bandit that his sophistry will not avail him on the Day of Judgement. As in IIA, this exhortation has no effect: 'He bowed his head for a moment', says the narrator of the bandit, 'and I was sure he was going to kill me. Then he asked, "How much did we take from you?"' Calling for the property to be brought, the bandit returns half of it and sends the merchant on his way.

Story IIIC[9] breaks the pattern. The narrator, perceiving that the bandit is a man of culture, extemporises some verses in his praise. The bandit, called al-Kurdī, not only returns the victim's property, but also offers him a share of the loot. The narrator refuses to accept it, saying that the money 'belongs to the people you stole it from'. Al-Kurdī replies that merchants do not pay the alms tax, and so bandits, who as poor men should be receiving the proceeds of the *zakāt*, have the right to collect it by force:

8. T 4, pp. 238–40.
9. T 4, pp. 231–3.

> Haven't you read what al-Jāḥiẓ has to say in his *Book on Thieves*?[10] He quotes someone as saying, 'These merchants have betrayed their trust by refusing to pay the alms tax on their property. As a result, their property is no longer rightfully theirs. Meanwhile, we have the thieves, who need the money; and if they rob the merchants – even reluctantly – they are only taking what is properly belongs to them'.[11]

The narrator protests that the merchants in this particular caravan may have paid their *zakāt*. So al-Kurdī calls the merchants over and asks them a series of questions about the method of calculating the alms tax. None of the merchants can answer. Indeed, one of them, says the narrator, did not even understand the question. Al-Kurdī then turns in triumph to the narrator:

> 'Do you see,' he said to me, 'how right al-Jāḥiẓ was in his citation, and that these merchants have never paid their alms tax? Now take that bag!'

Without a word, the narrator takes the bag.

Here, al-Kurdī seems to be advocating what Hobsbawm calls 'social banditry' – that is, crime undertaken, or understood, as a crude attempt to redress inequality. His speech also recalls the posturing of Robinson's *khawārij*, who claim to represent a higher moral order (even if the other elements of Mosulī *khārijism*, particularly the conspicuous asceticism and the rabble-rousing oratory, are not present). As if in acknowledgement that some kind of moral argument has been made, the narrator, unlike his counterparts in IIA and IIB, does not invite al-Kurdī to repent; on the contrary: he takes a share of the loot.[12] But his assent is only partial. Since he himself is a merchant, he cannot simply admit that al-Kurdī is right: if he agrees that bandits can rob merchants, he is, in effect, colluding against his own interests. Trapped in this contradiction, he is reduced to silence.

For our purposes, it makes no difference whether actual bandits made any of the arguments presented in IIA, B and C. As *adab*-tales, these 'reports' play on the delight one feels watching the sophist ply his trade – a delight

10. No longer extant, but mentioned in the introduction to his book on misers: al-Jāḥiẓ, *al-Bukhalāʾ* (5th edn), ed. Ṭāhā al-Ḥājirī (Cairo, 1990), p. 1 (text).
11. T 4, p. 232.
12. It may seem that by offering a share of the loot to the narrator, the bandit undermines his own argument, since only the poor are entitled to alms. To resolve this problem, at least on the level of manifest content, we might suppose that the narrator is entitled to a share precisely because the bandit has just taken all his property.

indelibly associated with al-Jāḥiẓ, who, not accidentally, is quoted by name in IIC. Arguably, though, the stories may represent some of the thoughts that urban literates had about bandits. If these stories are any guide, al-Tanūkhī and his readers had some understanding of the motives that impelled people to take up highway robbery, and may have had some sympathy with the bandit as a moral being. Even so, they could not entirely accept the argument that misconduct on the part of the government, or failure to pay the alms tax, justified the commission of crimes against persons like themselves.

What we have, then, is a contradiction – one that invites us to recall Lévi-Strauss' dictum that culture resolves with art those oppositions that cannot be reconciled in reality.[13] As it happens, al-Tanūkhī's stories offer no resolution, which may mean that they are more faithful to experience than we have been giving them credit for. There is, however, another set of reports that seek to resolve the contradiction as directly and straightforwardly as possible. These are the stories of penitent bandits, who, oddly enough, turn out to be well-known figures from early ᶜAbbāsid times.[14] Of these reports, the most useful for our purposes deal with the renunciant al-Fuḍayl b. ᶜIyāḍ (d. 187/803)[15] and his disciple Bishr b. al-Ḥārith, the 'Barefoot' (d. 227/841).[16]

Let us start with Bishr. Born in Marv to a family of distinction (*min awlād al-ruʾasāʾ*), he moved to Baghdad to study *Ḥadith*, but then became a renunciant (*zāhid*). 'In his youth', presumably still in Marv, he 'ran with a gang and was

13. Claude Lévi-Strauss, *The Savage Mind* (Chicago, 1966), especially, for example, p. 96.
14. In addition to the figures discussed below, Mūsā ibn Shākir, father of the three celebrated engineers known as the Banū Mūsā, is said to have been a bandit. Dressed as a soldier, he would pray the evening prayer in his local mosque, then sneak away, change his clothes and rob travellers on the Khurāsān road, having tied white rags around his horse's legs to make it look like a white-footed beast. He would return in time for the morning prayer, thus giving the impression he had remained in or near the mosque all night; see Ibn al-Qifṭī, *Taʾrīkh al-ḥukamāʾ*, ed. Julius Lippert (Leipzig, 1903), p. 441, cf. 315. Unfortunately for our purposes, though, his biography merely says that he repented (*tāba*), without giving details. Finally, the singer Ibrāhīm al-Mawṣilī (d. 188/803) is (dubiously) supposed to have been a brigand (*ṣuᶜlūk*), though he is not said to have repented; Abū al-Faraj al-Iṣfahānī, *Aghānī*, ed. Ibrāhīm al-Abyārī (Cairo, [1389] 1969), 5, p. 1800.
15. On him, see J. Chabbi, 'Fudayl ibn 'Iyāḍ, un précurseur du Hanbalisme (187/803)', *Bulletin d'Études Orientales de l'Institut Français de Damas* 30 (1978), pp. 331–5, which notes (at pp. 332–3) the recurrence of the bandit-topos in the *vitae* of early renunciants.
16. On him, see Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra* (Berlin; New York, 1991–5), 3, p. 105; Maher Jarrar, 'Bišr al-Hāfī und die *Barfüßigkeit* im Islam', *Der Islam* 71 (1994), pp. 191–240; Michael Cooperson, *Classical Arabic Biography* (Cambridge, 2000), pp. 154–88.

wounded' (*kāna yatafattā fī awwali amrihī wa-qad juriḥ*).[17] One report has him say: 'I was a hooligan and the head of a gang' (*kuntu rajulan ʿayyāran wa-ṣāḥib ʿiṣbah*).[18] Josef van Ess has suggested that he may have belonged to a young men's association of the ancient Indo-Iranian kind – that is, a fraternity of high-born youth who practiced banditry in order to inure themselves to hardship.[19] Given the apparent survival of this tradition – or elements of it, at any rate – in Khurāsān, it may well be the case that Bishr lived for a time as a bandit (though his earliest biographer, Ibn Saʿd, makes no mention of any such activity). For our purposes, though, what matters is that Bishr is supposed to have sworn off being a bandit. One day, he reportedly came across a piece of paper bearing the name of God lying discarded on the ground. He picks up the paper, buys some scent and perfumes it. Later, he has a dream, in which he is told that, just as he

17. Al-Khaṭīb al-Baghdādī, *Taʾrīkh Baghdād*, ed. Muṣṭafā ʿAbd al-Qādir ʿAṭāʾ (Beirut, [1417] 1997) 7, p. 71 (no. 3517).
18. Abū Nuʿaym Iṣfahānī, *Ḥilyat al-awliyāʾ* (Cairo, [1356] 1937), 8, p. 336.
19. Van Ess, *Theologie und Gesellschaft*, 3, p. 105. Here, van Ess seems to be thinking of the so-called *arische Männerbund*. Stig Wikander, the first to use the term, described its manifestation in Vedic religion as 'a cult whose main characteristics are reverence for the dead, orgiastic sacrifice rituals, membership in martial organizations, and a positive attitude toward the dark and demonic powers of life'; see Wikander, *Der arische Männerbund. Studien zur indo-iransichen Sprach- und Religionsgeschichte* (Lund, 1938), p. 64. Though demonised in Zoroastrian texts, this 'cult' was manifested in Iranian tradition in the form of young men's associations, whose members serve as royal attendants, ecstatic warriors and dragon-slayers; see Wikander, *Der arische Männerbund*, see especially pp. 80–1). In his study of Iranian feudalism, Geo Widengren argues that such associations, having lost their religious character, formed the military aristocracy of the Achaemenid empire; see Widengren, *Der Feudalismus im alten Iran* (Köln; Opladen, 1969), pp. 9–95, especially p. 33 (I thank M. Rahim Shayegan for these references). In both history and legend, members of the *Männerbund* come from noble families. At a young age, they are separated from their families and sent to live in the wilderness. The most famous example is King Cyrus, who in one account was raised by shepherds and in another born to a family of goatherds and thieves. According to the Greek geographer Strabo (d. *c.* 24 AD), Persian youth were trained to run long distances, bear cold, heat and rain, herd cattle, sleep outdoors and survive on wild fruits and nuts. '[These young men] are called *kardakes*', reads a comment on Strabo, 'because they live by stealing, for *karda* means "bravery" and "courage"'; see Strabo, 15.3.18; Widengren, *Feudalismus*, p. 83; Wolfgang Knauth, in collaboration with Sejfoddin Najmabadi, *Das altiranische Fürstenideal von Xenophon bis Ferdousi* (Wiesbaden, 1975), pp. 82–4, 121. This tradition may have left traces in works such as the twelfth or thirteenth century AD prose epic of Samak the *ʿayyār*; see Faramarz fils de Khodada, *Samak-e 'Ayyâr*, trans. Frédérique Razavi (Paris, 1972) (I thank M. Rahim Shayegan for this reference).

has raised up the name of God, so, too, will his name be raised. Hearing this, he repents and goes on to gain great fame as a practitioner of austerities.[20]

This report illustrates how difficult it is to describe an act of repentance, even in a milieu that accepts the possibility of divine intervention. That God should reward Bishr by 'raising his name' makes sense, but then why does Bishr pick up the paper in the first place? By leaving his action unmotivated, the transmitters of this report defer the question, but never answer it. Consequently, they fail to give us a believable account of why a bandit might give up being a bandit. Instead, they merely assert that this particular bandit happened to repent.

For a more satisfactory resolution, we must turn instead to the story of al-Fuḍayl. Reportedly, 'he was a brigand who used to rob travelers on the road between Abīward and Sarakhs'. At one point, while climbing over a wall to meet a girl he had fallen in love with, he heard a voice reciting the verse: 'Is it not time that those who believe should let their hearts come humbly to the remembrance of God?' (Q 57:16). That night, he takes shelter in a ruined building where some travellers have gathered, and the following scene takes place:

> One of [the travelers] said, 'Let's be off,' but another said, 'Let's wait until morning, since Fuḍayl is out there and may rob us.'
> [Fuḍayl] said: 'I thought to myself, 'I spend the night hastening to do evil, and here is a group of Muslims who are afraid of me. I have no doubt that God guided me here in order to show me the error of my ways. God, I herewith repent!'[21]

Here then, we finally have something like a satisfactory resolution of al-Tanūkhī's dilemma. The arguments for highway robbery are hard to refute, and the victims perforce fall back on religious exhortation. In al-Tanūkhī's stories, exhortation does not work: the bandits either ignore it or turn it on its head. In the biographies, on the other hand, the bandits do repent, and in so spontaneous and heartfelt a manner as to make the defences offered for banditry, clever as they are, appear nothing more than sophistry.

In keeping with the contrived nature of this resolution, the tales of conversion we find there are not very artfully told. Bishr's repentance, for example, hangs on the flimsiest of props: a discarded piece of paper. If al-Fuḍayl's story feels more convincing, it is because he is made to see things from the perspective of his potential victims.[22] But the point here is not verisimilitude. If stories like Bishr's and al-Fuḍayl's correspond to any sort of historical experience, it may be

20. Abū Nuʿaym, *Ḥilyat al-awliyāʾ*, 8, p. 336.
21. Al-Dhahabī, *Siyar aʿlām al-nubalāʾ* (3rd edn), ed. Shuʿayb al-Arnaʾūṭ and Nazīr Ḥamdan (Beirut, [1405] 1985), 8, p. 423, see also p. 437.
22. Perhaps, too, it is more convincing to us because nothing happens contrary to the laws of nature. Al-Fuḍayl overhears a verse from the Qurʾān and later a conversation between

the process by which young men of good breeding found a place for themselves under the new Islamic dispensation by transmuting provincial chivalry into spiritual athleticism – a process evident also in the ascetics' fascination with fighting on the frontiers of Islam.[23] For al-Fuḍayl, Bishr and their ilk, religion evidently provided the symbolic resources necessary to effect this transformation. The process was doubtless a complex and variegated one, and hagiography can give us only a crude idea of it. Unfortunately, it is often the only source we have available, at least for this period.

For their part, al-Tanūkhī's bandit stories may be read as attempts to manage the anxiety attendant upon the breakdown of order by domesticating the bandit under another discursive regime – that of *adab*. For literate Baghdadis, a bandit who could quote al-Jāḥiẓ and expound the law of *zakāt* could not have been all bad. And, indeed, what transpires between the bandit and the narrator results in a kind of complicity. The bandit allows the narrator to keep some or all of his property, and in one case even gives him a share of the loot. In return, the bandit is allowed to make a speech justifying his way of life. Apart from whether outlaw *udabāʾ* ever really existed, the speeches as transmitted by al-Tanūkhī are quite persuasive as arguments for social banditry. The narrator may claim to disapprove and call upon the bandit to mend his ways, but if the storytellers really wanted to valorise the discourse of conversion, they could have made the bandit repent, as happens in the hagiographies. Instead, the storytellers seem happy enough to let the bandits speak their piece, as if they, too, shared their disgust with *fasād al-zamān* – 'the corruption of the age'. As literary figures, then, these bandits are neither popular heroes nor defenders of the peasantry. If anything, they serve as spokesmen for the producers and consumers of al-Tanūkhī's stories – that is, for literate urbanites forced to confront their own anxieties about the decline of public order.[24]

frightened travellers. Plausibly enough, he takes these events as evidence that God wants him to repent. In the story world, that may be true; but on the level of manifest content, there is no necessary supernatural intervention at all. If we wish, we can read the story as an externalisation of his state of mind.

23. See, further, Thomas Sizgorich, 'Narrative and community in Islamic late antiquity', *Past and Present* 185 (November 2004), pp. 9–42.

24. That they did feel anxiety is evident from testimonials such as that of al-Masʿūdī (d. 345/956), who, on the closing pages of his last book, he writes the ʿAbbāsid caliph has become nothing but a figurehead, while in the provinces, every leader

> has a patch of territory he calls his own, which he defends and seeks to enlarge, while all around, people have stopped building, roads are no longer passable, entire regions have become uninhabitable, provinces fall away, and Byzantines and slave soldiers hold sway over the frontiers of Islam and many of its cities.

See *al-Tanbīh wa l-ishrāf*, ed. M. J. de Goeje (Leiden, 1894; reprinted Beirut, n. d.), p. 400.

CHAPTER
13

EATING PEOPLE IS WRONG: SOME EYEWITNESS REPORTS OF CANNIBALISM IN ARABIC SOURCES

*Zoltán Szombathy**

There is something deeply disquieting about cannibalism. Motives and technicalities do not matter; eating human flesh is now universally considered revolting, whatever the circumstances. However, if we trust a long line of anthropologists and ethnographers, this has not always been the case in all parts of the world and is therefore not self-evident. Stripped of all cultural context and psychological connotations and in purely detached terms, the act of cannibalising a corpse might be considered a victimless crime, the victim of the act being a lifeless body destined to decay anyway. And yet, cannibalism is instinctively perceived in virtually all cultures today as grisly violence and, more than that, a violation of all that makes us human. It is probably this perception that led some scholars to question whether human beings could ever have engaged in such practices, except in the most wretched conditions.

William Arens' controversial monograph *The Man-Eating Myth*[1] has sometimes been understood as suggesting the rather extreme theory that cannibalism did not ever exist as an accepted custom in any society. Such a proposal is virtually impossible to prove – while one counter-example will instantly disprove it – but, in fact, the basic contention of the book appears to be something else – namely, that reports of cannibalism in faraway lands and among exotic peoples cannot be taken at face value, as they often serve ideological purposes and express deep-rooted stereotypes.[2] The proposal that each and every report of a

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1. W. Arens, *The Man-Eating Myth: Anthropology and Anthropophagy* (New York, 1979).
2. Arens was not the first to propose such a thesis; the Cuban essayist Roberto Fernández Retamar had expressed similar ideas about European accounts of pre-Columbian

custom as instinctively repulsive to the vast majority of humans as cannibalism should be viewed with suspicion and analysed very carefully before accepting it seems to me eminently reasonable.[3] Therefore, instead of joining the general

Caribbean cannibalism. See Luis Pancorbo, *El banquete humano: Una historia cultural del canibalismo* (Madrid, 2008), p. 12. A detailed survey of the controversy that Arens' book has triggered is well beyond the scope of this essay. Certain ethnographic cases of prevalent cannibalism, like the Fiji Islands, appear to be exceptionally well documented and thus far more credible than the typical 'cannibal story' of African societies; see the contributions to the debate started by Marshall Sahlins in the journal *Anthropology Today*, with Marshall Sahlins, 'Artificially maintained controversies: global warming and Fijian cannibalism', *Anthropology Today* 19.3 (June 2003), pp. 3–5 and 'Artificially maintained controversies (part 2): a response to Obeyesekere and Arens', *Anthropology Today* 19.6 (December 2003), pp. 21–3 offering extensive evidence that Fijians did have a tradition of cannibalism, W. Arens and Gananath Obeyesekere, 'Cannibalism reconsidered: responses to Marshall Sahlins', *Anthropology Today* 19.5 (October 2003), pp. 18–19 expressing doubts about the reliability of most of those sources, and Steven Hooper, 'Cannibals talk: a response to Obeyesekere and Arens', *Anthropology Today* 19.6 (December 2003), p. 20 pointing out that the Fijians themselves lend support to the claims of European sources. A related point to consider is that the denial of cannibalism despite the assertions of the local people may mean precisely the suppression of the indigenous voice, hardly an ambition of contemporary anthropology; see Marshall Sahlins, 'Artificially maintained controversies (part 2)', p. 23. To me, the arguments of Sahlins are rather convincing as far as Fijian cannibalism is concerned, but they can hardly be generalised to apply to other regions as well. The case for cannibalism among the Iroquois in the seventeenth century (see Thomas S. Abler, 'Iroquois cannibalism: fact not fiction', *Ethnohistory* 27 [1980], pp. 309–16) appears to be less compelling to me, although there is still an impressive range of documents by Western visitors to support it. This kind of solid documentation seems to be lacking in most cases of alleged anthropophagy in Africa; see, for instance, the survey in Pancorbo, *El banquete humano*, pp. 295–305. Some authors continue to be sceptical of the existence of customary cannibalism anywhere; see, for instance, most of the essays in Lawrence R. Goldman (ed.), *The Anthropology of Cannibalism* (Westport, 1999). To turn to the Islamic world, it is instructive that two infamous cases of cannibalism supposedly committed by the Qizilbash troops of the early Safavid rulers – recorded in some internal Safavid sources, but unmentioned in others – may well turn out to be less than factual: part of 'the general martial rhetoric employed by Safavid historians'. The sources nearest in time to the events make no mention of cannibalistic acts, and those later sources that do differ in the details. See Shahzad Bashir, 'Shah Ismaʿil and the Qizilbash: cannibalism in the religious history of early Safavid Iran', *History of Religions* 45 (2006), pp. 237–8, 239, 241, 243–5. (Contemporary reports of cannibalistic acts at the court of Shāh ʿAbbās [r. 995–1038/1587–629] are more credible. These acts were a form of punishment purposefully designed to demonstrate the unwavering cruelty of the ruler to opponents and thus instil terror into their hearts; see Bashir, 'Shah Ismaʿil', pp. 249–50.)

3. *Pace* Marshall Sahlins, 'Artificially maintained controversies: global warming and Fijian cannibalism', p. 3, who presents this attitude as amounting to unnecessarily casting doubt on proven fact.

debate on the existence or otherwise of customary cannibalism in primitive societies, the following paragraphs are concerned, first, with the reliability and implications of three medieval Arabic accounts of African anthropophagy, and secondly and on a more general plane, with medieval Muslim notions of savagery and civilisation and Muslim conceptions of the inviolability of the human body. The focal concern of this study owes a lot to the sensible proposition of William Arens: 'The idea of "others" as cannibals, rather than the act, is the universal phenomenon. The significant question is not why people eat human flesh, but why one group invariably assumes that others do.'[4]

Before looking into the source material, a terminological clarification is necessary. Anthropologists with a classificatory penchant distinguish two types of cannibalism. There is, on the one hand, customary cannibalism: when people, for ritual or dietary purposes, develop a custom of eating other people's bodies. And on the other hand, there is survival cannibalism: when extreme hunger and desperation reduces people to survive on human flesh, as during the great famines in Ukraine under Lenin and Stalin – what Arens calls '[r]ecourse to cannibalism under survival conditions or as a rare instance of antisocial behavior'.[5] The two phenomena have quite different cultural implications, and while most of the accounts that follow depict instances of customary cannibalism, both types of cannibalistic practices are relevant for this chapter and will be considered below.

THE REPORTS

The following discussion is based in the main on three accounts. The first of these is a letter by a secretary in the Būyid administration about an incident that he says took place during the conquest of Oman; the second is a passage in Ibn Baṭṭūṭa's *Travels* about cannibals in the Mali empire; and the third is a story in the book of the sailor Buzurg b. Shahriyār about the inhabitants of what is today the Mozambican coast. Before commenting, I will cite, or in some cases summarise, the reports.

The first story is found in al-Thaᶜālibī's celebrated anthology *Yatīmat al-dahr*. It forms part of a letter written by Abū al-Qāsim ᶜAbd al-ᶜAzīz b. Yūsuf – a distinguished secretary at the court of the Būyid monarch, ᶜAḍud al-Dawla (r. 338–72/949–83 in Southern Persia and 367–72/978–83 in Baghdad) – and addressed to the vizier al-Ṣāḥib Ismāᶜīl b. ᶜAbbād (326–85/938–95). The letter describes, in florid terms, ᶜAḍud al-Dawla's occupation of Oman, his annihilation of the

4. Arens, *The Man-Eating Myth*, p. 139.
5. Arens, *The Man-Eating Myth*, p. 9.

East African Bantu slave troops there and the huge spoils of war brought back from that country. Here is the passage cited by al-Thaᶜālibī:

> Those pagans had a custom widely known, namely regarding it lawful [to kill] people and to eat their flesh (*istibāḥat al-nās wa-akl luḥūmihim*). Their rabid desire for it went so far that they would eat, as an accompaniment to drink, human palms. My lord [ᶜAḍud al-Dawla] inquired about this extraordinary side-dish to drink, and it was narrated to him from them that no part of the human [body] is tastier than the palm and the fingertips. Now, the day when the vanguards of the victorious army [viz. the Būyid army] approached the gate of Oman, hordes of those dogs ambushed [our troops] from a hiding-place. The mount of one of the young soldiers tripped, and [the blacks] captured him, divided him up among themselves, and ate him there and then, [our] people being astonished by their voracity and cruelty. But God the Most High has annihilated them and purified the land and the sea of their wantonness and abuses (*ṭahhara al-barr wa-l-baḥr min ᶜabathihim wa-maᶜarratihim*), so the inhabitants of the mountains of Oman submitted [to our rule], humbling themselves obediently and seeking safety under the umbrella of the community . . .[6]

The second testimony – that of Ibn Baṭṭūṭa – is of particular value, as he spent considerable time – some eight months – in the Mali empire (753–4/1352–3). His account is rich in ethnographical and historical detail, and demonstrably accurate on many points. His cannibal story is composed of two parts. The first of these he narrates on the authority of Farba Magha, a pious Muslim governor of a settlement located by the Niger River between Timbuktu and Gao. The incident supposedly took place during the pilgrimage of the famous Mali emperor Mansa Mūsā Keita (r. 712–37/1312–37) to Mecca, in which the narrator himself participated. According to the account, a 'white' (read North African) *qāḍī* called Abū al-ᶜAbbās al-Dukkālī awakened the wrath of the emperor with a vile and greedy trick with which he tried to fool the pious and generous monarch. Enraged, the emperor:

> exiled him to the land of the pagans who eat people. He stayed there for four years, and then he [viz. the ruler] brought him back to his country. The reason the pagans had not eaten him is his whiteness, because they say that eating a white man is harmful, for he is not fully cooked (*lam yanḍaj*). It is the black person who is well-cooked (*naḍij*), according to their claim.[7]

6. Abū Manṣūr ᶜAbd al-Malik b. Muḥammad al-Thaᶜālibī, *Yatīmat al-dahr fī maḥāsin ahl al-ᶜaṣr* (Beirut, [1399] 1979), 2, pp. 319–20.
7. Ibn Baṭṭūṭa, *Riḥlat Ibn Baṭṭūṭa* (Beirut, 2001), p. 403.

The authority for the rest of Ibn Baṭṭūṭa's story is not entirely clear. Placed directly after the aforementioned passage, it appears at first sight to be a new narrative recounted by Ibn Baṭṭūṭa himself, but then it might also be a continuation of Farba Magha's narrative, especially as upon concluding this passage, Ibn Baṭṭūṭa proceeds to mention his departure from Farba Magha's town. For this reason, I think it likely, but not entirely certain, that the narrator of this passage is also the governor Farba Magha. Be that as it may, here we have a report that does suggest first-hand familiarity with cannibals and their customs:

> There came to Mansa Sulaymān [the reigning Mali emperor: r. 742–61/1341–60] a group of these blacks who eat people, together with a chief of theirs. Their custom is to wear huge rings in their ears, the hole of each earring being half a span wide, and to cover themselves in silken wraps. It is in their country that gold is mined. The sultan [of Mali] gave them a fine reception and gave them, as a mark of hospitality, a female slave. They slaughtered and ate her, and smeared their faces and hands with her blood, and then they came to the sultan to thank him. And I have been told that it is their custom, whenever they come as a delegation to him, to do so. It has also been mentioned to me about them that they say that the tastiest (*aṭyab*) thing in a female human's flesh is the palm and the breast.[8]

The third report, which looks more literary and fictitious than the ones above, forms part of the book *ʿAjāʾib al-Hind* (The Wonders of India) by Buzurg b. Shahriyār al-Rāmhurmuzī. The author tells various cannibal stories in his work, as befits a seafarer's narrative. The story I am concerned with here was originally recounted by the Omani dhow captain (*nākhuda*) Ismāʿīlawayhi and some other sailors, who lost control of their Zanzibar-bound ship in a storm in the year 310/922–3. Despite all the efforts of the crew, the gale drives the ship to the region of Sofala (now southern Mozambique), a land reputed to be populated by ferocious cannibals. The crew are astonished to discover that no harm befalls them, as the king of the 'cannibals' gives them permission to trade in peace. When the time of their departure arrives, the king visits their ship to say farewell, but the greedy sailors kidnap him and his entourage and take them to Oman to sell. A year later, the hapless seamen find themselves shipwrecked again in the same land, where they unaccountably have to face the same king, who has somehow escaped from slavery and is now converted to Islam along with his whole court. To their astonishment, the ship's crew are pardoned by the king,

8. Ibn Baṭṭūṭa, *Riḥlat Ibn Baṭṭūṭa*, p. 403.

and not only does he let them trade and then leave in peace, but he recounts the curious adventures that led him back to his country from Baghdad.[9]

EYEWITNESS ACCOUNTS?

In analysing the facticity or otherwise of the accounts, one immediately faces a fundamental flaw in all three of them, a usual one when it comes to cannibal stories. On closer inspection, we find that technically the texts cannot be called eyewitness accounts. All of them are presented as accounts *heard from* eyewitnesses, which, of course, is not the same thing as an eyewitness report. Thus, for instance, I mentioned above that Ibn Baṭṭūṭa probably heard about acts of cannibalism, but never saw them with his own eyes. He claims to rely on the words of a local informant for part or all of his account. (It is worth noting that although his informant was not an Arabic speaker, he does not specify the language in which he communicated with this man, a detail that would be of obvious interest.) The 'eyewitness' account of the Zanj cannibals in the *Yatīma* is also marred by the all but universal weakness of stories of cannibalism – a reliance on hearsay (presented, also typically, as hard fact). It will be worthwhile to have a closer look at the events described in this latter text, as there is an independent source with which to compare the account.

The events described in the letter took place in the year 355/966, when the Būyid army sent from Iraq via the Iranian port of Sīrāf reached Oman's coast and in a short campaign wrested Oman from the hands of its former masters, the Carmathians of Eastern Arabia. Miskawayhi speaks about this campaign in his chronicle.[10] Miskawayhi's passages leave no doubt that not only did Zanj troops form a part of the Carmathians' local army, but they represented the most formidable contingent, 6,000-strong, within it. What is totally absent from Miskawayhi's account is any mention of Zanj cannibals – indeed, of any non-Muslim customs among the Zanj troops. If anything, Miskawayhi's testimony strongly suggests that the Zanj troops were at least superficially Muslim, which is just what one would expect, given the all but universal practice among Muslim slaveholders of converting their slaves to Islam. Thus, Miskawayhi mentions that, despite apparent racial antagonism and even fighting between Africans

9. See the story in Buzurg b. Shahriyār al-Rāmhurmuzī, *ʿAjāʾib al-Hind barrihi wa-baḥrihi wa-jazāʾirihi*, ed. P. A. van der Lith (Leiden, 1883–6), pp. 50–60; and another passage on Muslim ships being sometimes carried by unfavourable winds to the land of the cannibals of Sofala on p. 177.
10. Abū ʿAlī Aḥmad b. Muḥammad Miskawayhi, *Tajārib al-umam*, ed. H. F. Amedroz (Baghdad, [1332] 1914), 2, pp. 217–18; and the English translation in *The Eclipse of the ʿAbbasid Caliphate*, trans. H. F. Amedroz and D. S. Margoliouth (Oxford, 1921), 5, pp. 230–1.

and the rest of the Omani troops previously, the two sides ended up united and allied under Carmathian leadership ('*ṣārat kalimatuhum [*viz. *kalimat al-bīḍān] wa-kalimat al-Zanj wāḥida*'),[11] hardly conceivable if the Zanj had been openly faithful to the religion and traditions of their homelands. This would not quite, of course, rule out the possibility of some slaves reverting to paganism and certain savage practices associated with their former cultures, but it bears repeating that Miskawayhi's longish account suggests nothing of the kind.

Reliance on hearsay is not the only problem with the reports. Note that at least two of the three accounts are, in fact, eyewitness reports of, if anything, the lack of cannibalism, despite all previous expectations and fears among Muslim visitors. In Buzurg's story, although the Omani sailors expect to be devoured by the Zanj, they are not – in fact, they are received with remarkable cordiality and courtesy.[12] Likewise in Ibn Baṭṭūṭa's story, al-Dukkālī, the hapless

11. The cause of the eruption of racial hatred between 'white' and black troops was overt discrimination against the latter in salaries, with a Zanj soldier set to receive only half of what a 'white' soldier did. When the Carmathians' local agent, a secretary called ᶜAlī b. Aḥmad, proposed to end this discrimination, the 'white' troops rioted, but were overwhelmed by the numerous and battle-hardened Zanj; an entente was soon reached between the rival sides. On these events, see Miskawayhi, *Tajārib al-umam*, 2, pp. 216–17; and the English translation in *The Eclipse*, 5, p. 230.
12. The king is quoted, however, as saying that his people initially did intend to eat the hapless visitors and rob their possessions 'as they had done to others'; see Buzurg, *ᶜAjāᵓib*, p. 53. It is noteworthy here that writing in roughly the same period, al-Masᶜūdī (d. 345/956) – who probably visited the East African coast some time during his career (and more or less correctly gives the Bantu equivalents for 'king' and 'God') – does not mention cannibalism when discussing the diet of the Zanj, which consisted of banana, sorghum (*dhura*), a tuber resembling taro whose name is transcribed as *kalārī*, honey and (unspecified) meat (*laḥm*). In another passage, however, there is passing mention of certain subgroups of the Zanj who have filed teeth and eat people (*ajnās muḥaddadat al-asnān yaᵓkulu baᶜḍuhum baᶜḍan*), with the usual – and wholly unwarranted – equation of the custom of filing teeth with cannibalism. See Abū al-Ḥasan ᶜAlī b. al-Ḥusayn al-Masᶜūdī, *Murūj al-dhahab wa-maᶜādin al-jawhar* (Beirut, 1989), 1, pp. 331, 339; and cf. Arens, *The Man-Eating Myth*, pp. 84, 175 and Pancorbo, *El banquete humano*, p. 295 on the issue of filed teeth as a proof of an imagined cannibalism. Several centuries later, Ibn Baṭṭūṭa makes no mention of cannibalism either, although he does mention both Sofala (which he never visited) and Kilwa (which he did), and speaks of the raids of the Muslim Swahili inhabitants of Kilwa into the pagan hinterlands of the Islamised coastal settlements. See Ibn Baṭṭūṭa, *Riḥlat Ibn Baṭṭūṭa*, p. 150. It might be added that while Buzurg b. Shahriyār has only this one story to recount on cannibals (of sorts) among the East African Zanj, he offers various accounts of cannibalism (and headhunting) in Southeast Asia, more particularly Sumatra and the islands along its western coast. See Buzurg, *ᶜAjāᵓib*, pp. 125–7, 180–8. (That certain groups of the Sumatran Batak ethnic group practised ritual cannibalism is a recurring claim in the ethnographic literature and is probably based on fact.)

Arab exiled to the land of the pagan cannibals, returned unscathed to report his adventures, like 'a long line of anthropologists [who] display the ability to live among people-eaters […] without loss of life or limb',[13] another near-constant in accounts of anthropophagy.

Apart from these general observations, there are certain technical and historical difficulties that raise suspicions regarding the facticity of each of the reports. To start with al-Thaᶜālibī's text, it is rather hard to envisage Zanj troops eating a captured enemy on the spot, in the heat of battle, yet that is exactly what we are asked to believe by the author of the letter and, more significantly, that is all that gives the account the semblance of an eyewitness report. For his part, Ibn Baṭṭūṭa talks of a royal gift of a female slave being eaten by a delegation of savages. This also sounds extremely improbable. Is it conceivable that a pious Muslim ruler like Mansa Sulaymān Keita (r. 742–61/1341–60; brother of the famous Mansa Mūsā, he of the celebrated pilgrimage) would present a human being to the pagans to eat? Well, there is a remote possibility: if he was not aware of the fate awaiting the victim. However, it is obvious that he had to know fully well that the distinguished members of the delegation would devour the woman, since Ibn Baṭṭūṭa remarks that this was not an isolated instance of such a royal gift to the cannibals, but an established, ongoing custom. On the weight of this alone, the account must be highly suspect and should probably be rejected. In Ismāᶜīlawayhi's story, one element that must arouse suspicion is the statement that on his first visit to Sofala the reigning Zanj king was a youth (*ghulām*)[14] – a most unlikely situation in sub-Saharan societies, where seniority was of paramount importance and the usual form of political leadership was gerontocracy.

Arguing that the reports cannot be accepted as reliable descriptions of cannibalism among Africans is not tantamount to claiming that they are brazen lies by the authors or narrators, although in some cases they may be. The authors may have simply interpreted events in the light of stereotypes they were familiar with. And, especially in Ibn Baṭṭūṭa's case, there is another credible possibility that may help explain the claims of cannibalism. Stories of anthropophagy in Africa often owe much of their substance to a misunderstanding of a type of folk belief ubiquitous in sub-Saharan cultures. I am referring to stories about 'cannibal

13. Arens, *The Man-Eating Myth*, p. 98. An instructive case is that of the brothers Boyd and Claud Alexander, British officers who had received solemn warnings to beware as their expedition passed through ruthless cannibal tribes' territory in what is today the Plateau State of central Nigeria. In fact, they found the natives 'most kind and hospitable' and certainly not cannibalistic. Ethnic groups of the area who viewed the very idea of anthropophagy with genuine terror were routinely called cannibals by the colonisers. See Elizabeth Isichei, 'Colonialism resisted', in *Studies in the History of Plateau State, Nigeria* (London; Basingstoke, 1982), pp. 207, 214.

witches' – a sort of vampirical man-eater. Many black African peoples' folklore included, and sometimes still includes, beliefs about were-men – evil persons who can transform themselves into harmful animals at night that snatch away fellow humans and literally 'eat' them without the victim noticing. Even in recent periods, action was sometimes taken to bring suspected witches to trial, with cannibalism in animal form being the main accusation. These accusations of witchcraft and cannibalism show a close parallel with Western witch trials, with the important difference that the latter are not considered today to have been based on fact.[15] Such a belief has been reported from a number of peoples living in the wider region visited by Ibn Baṭṭūṭa – groups of both the savannah and rainforest zone of West Africa, including the Mende of Sierra Leone, the Mafa, the Mundang and the Fulani of northern Cameroon and, most importantly, the Songhay-speaking population of Timbuktu and its region, which is roughly where the great Arab traveller acquired his information. Among the latter group, cannibalistic witches, called *tyerkow* in Songhay, are thought to visit their victims at night like vampires and drink their blood until the afflicted person dies.[16] Comparable beliefs have been reported from other parts of the

14. Buzurg, *ʿAjāʾib*, p. 51.
15. Arens, *The Man-Eating Myth*, pp. 92–5. In view of the Western fascination with the alleged cannibalism of exotic ethnic groups including Africans, it is ironic that it was a widespread notion in colonial era black Africa that Europeans were cannibals and that slaves taken away from Africa were destined to be devoured. William Arens observed the ubiquity of this idea during his own fieldwork in rural Tanzania (see pp. 10–13). Similarly, in early nineteenth century Darfur, slaves dreaded being sold to Arabs, because they believed Arab slave-traders bought people to eat them; see Mohammed Ibn-Omar El-Tounsy, *Voyage au Ouadây*, trans. Dr. Perron (Paris, 1851) p. 484. No less ironic is the fact that the best-attested instance of cannibalism medieval Muslims could witness with their own eyes was one in which Christian Europeans were the perpetrators. I am referring to the famous episode in the Crusaders' siege of al-Maʿarra and Antioch, where the ragtag troops known as Tafurs cannibalised the corpses of fallen enemies as a terror tactic to demoralise the infidel Saracens. The historicity of these accounts, confirmed by a variety of sources, can hardly be doubted; see Walter Porges, 'The clergy, the poor, and the non-combatants on the First Crusade', *Speculum* 21 (1946), pp. 1–23, specifically p. 12 (and pp. 12–13 on the social composition of the Tafur bands). For a detailed analysis of the cultural background and likely motivations of such appalling acts, see Jay Rubenstein, 'Cannibals and crusaders', *French Historical Studies* 31 (2008), pp. 525–52. I thank Balázs Major for calling my attention to the accounts about the Tafurs.
16. Arens, *The Man-Eating Myth*, p. 93; José C. M. van Santen, *They Leave Their Jars Behind: The Conversion of Mafa Women to Islam (North Cameroon)* (Leiden, 1993), pp. 119, 160; Kees Schilder, *Quest for Self-Esteem: State, Islam and Mundang Ethnicity in Northern Cameroon* (Leiden, 1994), p. 32; Horace Miner, *The Primitive City of*

continent, and it is often part of the belief that only members of certain ethnic groups or tribes possess the ability to turn into animals and capture and eat members of other tribes. It is more often than not in this sense that some groups are accused of cannibalism in Africa. Examples include the Mesalit and Temurka of Darfur and the Somali of the Gadabursi clan. In Timbuktu, the deadly habit is particularly associated with the Bela ethnic group (former slaves from the south) and all strangers from the bush. Significantly, all of these ethnic groups have been Muslim for centuries.[17]

Another possibly folkloristic detail is the notion that the complexions of the various races result from incomplete, excessive and adequate baking, respectively. Ibn Baṭṭūṭa's text presents it as a curious notion specific of the cannibals living south of Mali. However, the motif, in fact, occurs in the folklore of Muslim Africans, too. The North African traveller al-Tūnisī visited the Sudanese state of Darfur in the early nineteenth century and recounts how the isolated, superficially Islamised Fūr hillsfolk of Jabal Marra, who he claims had never seen a light-skinned man before, tried to wound him to see his blood. Al-Tūnisī's local guards translated the hillsmen's excited palaver, including their insistence that 'this man has not been fully cooked (*lam yanḍaj*) in his mother's belly'. The scene and the words recurred in another part of the mountains, where the crowd also guessed that this uncooked creature was sent to them by the sultan by way of a gift (*ḍiyāfatan lahum*), and some of them opined that al-Tūnisī was not a man, but an animal resembling a human being that might be eaten.[18]

Timbuctoo (Princeton, 1953), pp. 108–11. The Cushitic-speaking Muslim ᶜAfar people of Ethiopia (also known as Danakil) also believe in the existence of man-eating were-hyaenas; see W. Munzinger, 'Narrative of a journey through the Afar country', *Journal of the Royal Geographical Society* 39 (1869), p. 219. On similar beliefs among the Swahili of East Africa, see John Middleton, *The World of the Swahili: An African Mercantile Civilization* (New Haven; London, 1992), p. 223, note 43.

17. It is remarkable that al-Tūnisī's Temurka informant, a young man called ᶜAbd Allāh Kartab, vehemently denied these stories about his tribe, dismissing them as 'myths'. The insistence of al-Tūnisī led to an abrupt end to their friendship. See Muḥammad b. ᶜUmar al-Tūnisī, *Tashḥīdh al-adhhān bi-sīrat bilād al-ᶜarab wa-l-sūdān*, eds Khalīl Maḥmūd ᶜAsākir and Muṣṭafā Muḥammad Musᶜad (Cairo, 1965), pp. 328–9 (Darfur); and E. H. M. Clifford, 'The British Somaliland-Ethiopia boundary', *The Geographical Journal* 87 (1936), p. 292 (Gadabursi); Miner, *The Primitive City of Timbuctoo*, p. 110 (Bela and strangers). The *Rashāyda* tribe, who are relatively recent Arab immigrants from the Arabian Peninsula to the Sudan, impute the activity of cannibalistic were-hyaenas to members of the West African Muslim (*Fallāta*) communities living in the Nilotic Sudan. See William C. Young, *The Rashaayda Bedouin: Arab Pastoralists of Eastern Sudan* (Belmont, 2002), p. 75.
18. Tūnisī, *Tashḥīdh al-adhhān*, pp. 155, 158.

Elaborations on the cannibals' preference for particular body parts is a recurring theme that appears in all three texts discussed here. This seems to have more to do with certain literary conventions than with African folklore. Stories of cannibals as a rule luxuriate in recounting how cannibals relish certain parts of the human body. It will be recalled that both al-Thaᶜālibī's and Ibn Baṭṭūṭa's texts detail the cannibals' fascination with palms (and breasts) as choice cuts of the human body. The book of Buzurg b. Shahriyār also employs this theme when speaking of the cannibals of Sumatra.[19] As it happens, ᶜAbd al-Laṭīf al-Baghdādī's description of a great famine in Egypt also depicts a cannibals' cauldron cooking ten human hands 'the way sheep's trotters are cooked'.[20] Unless one is to assume that Arab, African and Sumatran cannibals shared the same preferences, it is better understood as a motif that serves to highlight the perversity of the man-eaters. Another clue to its being a literary theme is a passage in al-Jāḥiẓ's *Kitāb al-Ḥayawān*, which says that 'some of those who found [lizard meat] disgusting' justified their aversion by claiming that lizards were humans transformed into animals and pointing out the similarity of the lizards' *palms* to those of human beings (*shabah kaffihi bi-kaff al-insān*).[21] That cannibals prefer palms (or whichever other chunks of the human body) appears to be a fanciful embellishment, rather than an ethnographic observation.

The Muslim literary discourse on cannibalism

If we regard the reports, as we should, as stories of dubious facticity, a logical consequence is that the focus must shift to the cultural milieu that produced them: the themes and stereotypes they express. For practical purposes, two strains can be distinguished within the medieval Muslim discourse on cannibalism: a literary-folkloristic one on the one hand, and a religious-legalistic one on the other. The former is to a large extent, although not entirely, of Greek origin; its fundament is the division of peoples into civilised and barbarous, with these categories being closely tied to the notion of temperateness (*iᶜtidāl*) and anomaly (*inḥirāf*), respectively. Of the earth's climes, the middle ones – more or less corresponding to the Middle East and the Mediterranean region – represent harmony and temperateness, while the other lands are anomalous and disharmonious in proportion to their distance from this 'central' region. In this scheme,

19. Buzurg, *ᶜAjāʾib*, p. 127.
20. ᶜAbd al-Laṭīf al-Baghdādī, *Kitāb al-Ifāda wa-l-iᶜtibār fī al-umūr al-mushāhada wa-l-ḥawādith al-muᶜāyana bi-arḍ Miṣr*, ed. Aḥmad Ghassān Sabānū (Damascus, [1403] 1983), p. 90. I thank G. J. H. van Gelder for calling my attention to the relevance of this source.
21. Abū ᶜUthmān ᶜAmr b. Baḥr al-Jāḥiẓ, *Kitāb al-Ḥayawān*, ed. Yaḥyā al-Shāmī (Beirut, 1986), 2, p. 385.

cannibalism is the most salient sign of the abnormality (*inḥirāf*), hence of the deficient humanity, of the equatorial peoples. These peoples go naked, have no laws of their own and, of course, eat human flesh – in short, they are utterly beyond the pale of civilisation. Geography determines civilisation. Cannibals, by definition, live far from the centre of human culture – the Muslim Middle East.[22]

This feature of the discourse on cannibalism is clearly perceptible in the texts under discussion. All three reports display what is perhaps the most constant element of accounts of cannibalism throughout history: that the 'custom is normally restricted to faraway lands just prior to or during their "pacification" by the various agents of […] civilization', to borrow the sarcastic but very apt words of William Arens.[23] One will recall that Ibn Baṭṭūṭa talks of cannibals beyond the frontiers of the Islamic world; al-Thaᶜālibī's text talks of cannibalism among troops from Africa before their extermination (surely one of the most frequent synonyms of the euphemistic term 'pacification') by the harbingers of civilisation – the Būyid monarch's armies; and Buzurg b. Shahriyār talks of a cannibalistic people beyond the usual reaches of the Muslim commercial network on the Indian Ocean, who abandoned their perverse habits under the influence of a king who had been 'civilised' by a stint in Baghdad as a slave. This is only to be expected. That somewhere beyond the Islamised lands of sub-Saharan Africa there lived a race of monstrous man-eaters was a cliché repeated *ad nauseam* in medieval Arabic geographical literature. For instance, it is in lands to the south of the great savannah-based Islamised states that Muslim geographers would routinely place an obscure race of cannibals called *Lamlam* (or *Namnam* or *Damdam*), about whom virtually no details are given.[24]

22. As William Arens puts it: 'the idea that others at some far distance eat human flesh knows no beginning and probably will know no end', but Herodotus seems to be the first really distinguished 'authority' for the practice. His cannibals were the Scythians. See Arens, *The Man-Eating Myth*, p. 10.
23. Arens, *The Man-Eating Myth*, pp. 18–19; and also see Pancorbo, *El banquete humano*, p. 5 on this tendency.
24. According to Ibn Saᶜīd al-Andalusī, the *Lamlam*, who live somewhere south of the Niger River, are pagans, have no laws and eat people. The *Namnam*, who live not far from the town of 'Mallal' (Mali), are their cousins and have similar customs. See Abū al-Ḥasan ᶜAlī b. Mūsā Ibn Saᶜīd al-Maghribī, *Kitāb al-Jughrāfiyā*, ed. Ismāᶜīl al-ᶜArabī (Beirut, 1970), pp. 91–2. The view that cannibals are found to the south of the savannah belt lives on. The Hausa attribute such grisly habits to peoples living further south, especially the Igbo of Nigeria. Indeed, many rural Hausa-speaking Nigeriens today believe that Christian Igbos kidnap and kill Muslim children for the Christmas feast, making this the most dangerous time for travel around Nigeria. See Adeline Masquelier, 'Of headhunters and cannibals: migrancy, labor, and consumption in the Mawri imagination', *Cultural Anthropology* 15 (2000), 87, pp. 91–2, 99–100.

Apart from the geographies under strong Greek influence, the Muslim literary tradition has another important genre where cannibalism crops up as a subject: invective poetry. However, it is a mere handful of poems that deal with the topic – it appears that cannibalism simply was not an issue in early Islamic Arabia. A few lampoons do mention the eating of human flesh, but whether and to what extent that is meant literally, or rather figuratively, is anyone's guess. Such verses accuse the members of the targeted tribes of eating certain despised or horrendous types of flesh, especially dogs, and may add humans to the unsavoury list.[25] Much cannot and should not be made of these texts, the context being that of invective poetry (*hijāʾ*) – a genre in which facticity would not have been an expectation on the part of either poet or audience. Charges of cannibalism are simply a way of abusing the opponent with some of the oldest markers of difference: an aberrant, despicable diet. In this context, it is highly ironic that in the ᶜAbbāsid period *muḥdath* poets and *shuᶜūbiyya* authors would routinely taunt the Bedouins (and, by extension, their descendants) with references to the primitive Bedouin diet – an emblem of uncouthness and boorishness. People who eat things not destined for human consumption are barbarians. Al-Jāḥiẓ offers some perceptive remarks on this idea, pointing out that among his contemporaries, non-Arab Muslims would express nausea at the Bedouins' taste for locusts, snakes, monitors and other lizards, whereas an Arab would shudder at the thought of eating wasp larvae, date worms and cheese-mites, all favourite snacks among Persians, including the vizier al-Faḍl b. Yaḥyā's family. However, he argues, ultimately all tastes are acquired tastes.[26]

JURIDICAL VIEWS

The literary tradition does help understand the roots of some of the themes and stereotypes associated with cannibals in traditional Muslim culture. However, it is the religious-legalistic discourse that can provide more fundamental insights into medieval Muslim views on the terrible symbolism of cannibalism and, more generally, on the dividing line between lawful violence and savagery.

Regulations on food can be understood as a guideline for demarcating 'us' from 'them'. As Mary Douglas argued, dietary customs are intimately linked to a

25. For example, al-Jāḥiẓ, *Kitāb al-Ḥayawān*, 1, pp. 147–8; and for a sensible interpretation of the cultural context of such texts, see Geert Jan van Gelder, *Of Dishes and Discourse: Classical Arabic Literary Representations of Food* (Richmond, 2000), pp. 81–2. As van Gelder observes, the fact that *akl luḥūm al-nās* ('eating the flesh of men') also has the figurative meaning of 'backbiting' or 'slandering' in Arabic makes verses about anthropophagy – no matter how graphic their descriptions – inherently ambiguous.
26. Jāḥiẓ, *Kitāb al-Ḥayawān*, 2, pp. 20–1.

sense of social and ethnic identity through culture-specific notions of purity and pollution, which find expression in food taboos.[27] Accordingly, Islamic jurisprudence has much to say on diet. The basis for all Islamic dietary norms is a number of Qurʾānic verses that list the prohibited types of food: the flesh of animals not ritually slaughtered (*mayta*), blood and pork. These are unequivocally prohibited, with the sole exception of a situation of extreme and life-threatening hunger.[28] Islamic jurists tended pedantically to attend to detail and discuss every conceivable problem, even ones that were unlikely ever to occur as a real-life case. So, perhaps strangely, it is remarkably sporadic in Islamic jurisprudence that the issue of human flesh should even be mentioned, let alone discussed in any detail. One finds taxing, exhaustive listings of the types of food forbidden for human consumption, even those not explicitly mentioned in the Qurʾān, but the most obvious candidate for the category – human flesh – is in most lists left unmentioned.[29] It is a curious silence. Given that cannibalism was certainly viewed with horror in Islamicate societies, the silence needs some explanation.

A clue may be found in a text discussing the reasons for God's having forbidden certain types of food. Al-Jāḥiẓ (d. 255/869), who as a Muʿtazilite would seek to find rational explanations for God's decrees, treats this topic in the context of the prohibition of pork in the *Kitāb al-Ḥayawān*, where he also discusses the question of whether the flesh of apes and monkeys is prohibited, even in the absence of a clear Qurʾānic interdiction. It is an implicit recognition of the absolute prohibition of eating human flesh that some authorities argued that pork (and possibly also monkey flesh) was prohibited, because these animal species were humans transformed into animals by way of divine punishment (*maskh*).[30]

27. On this issue, see M. Khalid Masud, 'Food and the notion of purity in the *Fatāwā* literature', in *La alimentación en las culturas islámicas*, eds Manuela Marín and David Waines (Madrid, 1994), p. 91.
28. Q 5:3, 6:145. There are *ḥadith*s to the effect that anything not explicitly prohibited in the Qurʾān is to be regarded as licit. It must be noted, however, that Muslim jurists were not unanimous as to the general principle governing the legal status of food. Some, like the Shāfiʿites and the contemporary scholar Yūsuf al-Qaraḍāwī, argue that all food should be regarded as permitted, unless there are specific grounds for declaring it prohibited. Others, like the Ḥanafites, hold the opposite opinion. See Jalāl al-Dīn ʿAbd al-Raḥmān b. Abī Bakr al-Suyūṭī, *al-Ashbāh wa-l-naẓāʾir fī qawāʿid wa-furūʿ fiqh al-Shāfiʿiyya* (Beirut, [1426] 2005), p. 75; and Masud, 'Food and the notion of purity', p. 92.
29. For example, Muḥammad b. Ibrāhīm b. al-Mundhir al-Naysābūrī, *al-Ishrāf ʿalā madhāhib ahl al-ʿilm*, ed. Muḥammad Najīb Sirāj al-Dīn (Doha, [1414] 1993), 2, pp. 315–47.
30. Jāḥiẓ, *Kitāb al-Ḥayawān*, 2, pp. 19, 26–7. Some people also considered lizards (*ḍabb*) to be prohibited, on the grounds that this species, too, represented transformed ex-humans; see Jāḥiẓ, *Kitāb al-Ḥayawān*, 2, pp. 384–5. Ibn Ḥazm accepts the view that monkeys and swine are *maskh*, and even takes it as a basis of a legal argument in favour of the

Al-Jāḥiẓ himself did not subscribe to this explanation and sought other arguments to rationalise the interdiction against eating pork. What he mentions in this context is instructive for our purposes, and I will quote the relevant passage here. He says that there is an important difference between pork and monkey flesh that necessitated mentioning pork in the Qurʾān, but omitting monkey flesh, even though it was also unsuitable for a Muslim:

> Some people have claimed that the [pre-Islamic] Arabs did not eat monkeys, while those tribal leaders and kings [among them] who converted to Christianity did eat pork. That is why [God] made explicit the prohibition of [the latter] (*aẓhara taḥrīmahu*), for there were a whole multitude of people, lots of illustrious and lowly men, kings and commoners, who were fond of eating it and craved it intensely. At the same time, the flesh of a monkey all but prohibits itself (*yanhā ʿan nafsihi*), its repulsiveness being enough to deter [man's] natural disposition from it. Pork is a thing found tasty and recommended [by many people], whereas monkey meat is like dog meat, indeed even worse and more repellent.[31]

The author then cites an early Arabic lampoon that says that God did not prohibit eating dogs, because a reasonable man would never touch such a thing.[32] The argument, to put it in a few words, is that it is unnecessary to prohibit something that man naturally finds disgusting. This goes a long way to clarify the silence of many juridical sources on cannibalism. It does not signal acceptability in the least; indeed, quite the contrary: it was simply inconceivable that a human could undertake such an abomination – like lesbianism for Queen Victoria. Prohibiting cannibalism would have been stating the obvious.

However, not all schools of law accepted rational arguments, as opposed to textual evidence, as a basis for legal rulings. One author who can be expected to accord some words to the topic of the prohibition of human flesh is Ibn Ḥazm, well known as the most prominent representative of the Ẓāhiriyya school of law. Since the Ẓāhiriyya insisted that legal principles and decisions could only be

prohibition of monkey meat. See Abū Muḥammad ʿAlī b. Aḥmad b. Saʿīd Ibn Ḥazm al-Andalusī, *al-Muḥallā bil-āthār*, ed. ʿAbd al-Ghaffār Sulaymān al-Bundārī (Beirut, n. d.), 6, pp. 110–11; and also see Abū al-Qāsim b. Aḥmad al-Balawī al-Tūnisī al-Burzulī, *Fatāwī al-Burzulī: Jāmiʿ masāʾil al-aḥkām li-mā nazala min al-qaḍāyā bil-muftīn wa-l-ḥukkām*, ed. Muḥammad al-Ḥabīb al-Hīla (Beirut, 2002), 1, p. 641 on this issue.

31. Jāḥiẓ, *Kitāb al-Ḥayawān*, 2, p. 19.
32. Jāḥiẓ, *Kitāb al-Ḥayawān*, 2, pp. 19–20. The author is dead wrong here. In fact, dog meat was consumed, and even openly sold, in some parts of the Arab world, notably in what is today southern Tunisia. See Virginie Prevost, *L'aventure ibāḍite dans le Sud tunisien. Effervescence d'une région méconnue* (Helsinki, 2008), pp. 162–7, 178–9.

based on the explicit wording of the Qurʾān and Ḥadith, with analogies being out of the question, there was an obvious need for some exegetical acrobatics to prove that the Qurʾān does, indeed, expressly prohibit the consumption of human flesh, which it does not. It will be instructive, then, to lend some attention to the arguments of Ibn Ḥazm on this subject.

Significantly, Ibn Ḥazm classifies human flesh together with other types of instinctively disgusting organic materials, like faeces, vomitus, urine and dog meat (this last being as disgusting as the rest for many Muslims). He quite sensibly rules that human flesh is prohibited, even if slaughtered in accordance with Islamic ritual practice, as is any part or product of the human body save milk.[33] That said, some remarkably tortuous arguments follow as to why that should be so. First, the figurative usage of 'eating someone's flesh' – familiar from invective poetry – is evoked, which does occur in a disapproving way in the Qurʾān (49:12) as a metaphor for slander, and Ibn Ḥazm takes the phase as amounting to the actual prohibition of cannibalism. However, even by his own standards, this is stretching the evidence, as the Qurʾān does not explicitly state that a Muslim shall not engage in cannibalism, but rather asks a rhetorical question to point out the obvious fact that a sensible man will instinctively shudder at the thought of eating a fellow man's corpse.[34] (Which, as we have seen, is roughly identical to the approach of mainstream Islamic jurisprudence.) Perhaps feeling that this reasoning is none too compelling, Ibn Ḥazm goes on to offer further arguments in favour of the prohibition of human flesh. First, he mentions a *ḥadith* to the effect that all deceased persons, Muslims or unbelievers alike, must be interred, and says that if a dead man's body is eaten, then it cannot be interred, and therefore the practice is contrary to Islam: Q. E. D. (He cavalierly overlooks the possibility that the removal of a piece of flesh for consumption does not preclude burying the body.) Second, he points to the Qurʾānic prohibition against consuming any meat not slaughtered in the prescribed ritual manner (Qurʾān 5:3), then shows that it is either unlawful to kill a person, in which case no ritually correct slaughter can take place, or else it is lawful to kill him or her, but the legally acceptable reasons for that (namely, unbelief, legal retaliation or a *ḥadd* punishment) do not include ritual slaughter to obtain meat. Therefore, with the means of obtaining human flesh being prohibited, the flesh itself must also be prohibited: Q. E. D.[35]

33. Cf. al-Suyūṭī, *Ashbāh*, p. 560.
34. The verse in question reads 'would any of you like to eat the flesh of his brother dead? You would abominate it (*a-yuḥibbu aḥadukum an yaʾkula laḥma akhīhi mayyitan fa-karihtumūhu*)' (Arberry's translation). For a standard commentary on the verse, see Nāṣir al-Dīn Abū Saʿīd ʿAbdallāh al-Bayḍāwī, *Tafsīr al-Bayḍāwī al-musammā Anwār al-tanzīl wa-asrār al-taʾwīl* (Beirut, [1408] 1988), 2, pp. 417–18.
35. Ibn Ḥazm, *al-Muḥallā bil-āthār*, 6, pp. 65–7.

Here, we must notice an interesting fact. Focusing as he does on technicalities, Ibn Ḥazm unwittingly trivialises the issue of anthropophagy. His reasoning suggests that it is prohibited not because it is an absolute abomination, an unspeakable savagery, but because it contravenes the obligation of burial, and because human meat cannot be obtained by lawful slaughter. The latter rules out killing a man for the purposes of eating him, the former even the eating of a human corpse. But what about eating the flesh of a dead man in a case of extreme necessity, which Islamic law regards as constituting an exception from usual norms? Although the question may sound frivolous, the answer to it provides some valuable insights into Muslim notions of the inviolability of the human body.

As already noted, survival cannibalism is an altogether different matter from customary cannibalism – for anthropologists anyway. But was it different for medieval Muslim jurists and ordinary Muslims? In principle, the issue cannot be altogether alien to traditional Islamic thought, since *ḍarūra* (necessity) – which allows an exception from the observance of normal prohibitions – is an accepted category in Muslim legal thinking. This concept appears to be directly relevant to the issue of survival cannibalism. To put the question in simple terms: is it permissible for a Muslim to eat the flesh of a dead human being if faced with life-threatening hunger? Again, legal sources tend to be silent, with the predictable exception of Ibn Ḥazm and a few Shāfiᶜite authorities. For instance, the Mālikite Ibn ᶜAbd al-Barr al-Namarī (d. 463/1071) has a full chapter on consuming *mayta* in case of necessity in his huge legal work titled *al-Istidhkār*, but fails to mention the problem of a human corpse.[36] Another Mālikite scholar, Ibn Farḥūn (d. 799/1397), also exemplifies the attitude of a large number of Muslim jurists that cannibalism is so beyond the pale as to be simply a non-issue, even on a theoretical level. A collection of clever legal riddles, his *Durrat al-ghawwāṣ* poses the conundrum of a man in need of eating carrion, who is nevertheless not permitted to do so (*rajul muḍṭarr li-akl al-mayta wa-lā yurakhkhaṣ lahu fī aklihā*). One would guess the solution might be a man coming across a dead human body, but it turns out to be a man on a journey of sinful purpose (*al-ᶜāṣī bi-safarihi*). The problem of a human corpse is not even mentioned.[37] Many

36. Abū ᶜUmar Yūsuf b. ᶜAbd al-Barr al-Namarī al-Qurṭubī, *al-Istidhkār al-jāmiᶜ li-madhāhib fuqahāᵓ al-amṣār wa-ᶜulamāᵓ al-aqṭār fī-mā taḍammanahu al-Muwaṭṭaᵓ min maᶜānī al-raᵓy wa-l-āthār wa-sharḥ dhālik kullihi bil-ījāz wa-l-ikhtiṣār*, eds Sālim Muḥammad ᶜAṭā and Muḥammad ᶜAlī Muᶜawwaḍ (Beirut, [1421] 2000), 5, pp. 305–11 (‘*Bāb mā jāᵓa fī-man yuḍṭarr ilā akl al-mayta*’).
37. Burhān al-Dīn Ibrāhīm b. Farḥūn, *Durrat al-ghawwāṣ fī muḥāḍarat al-khawāṣṣ: alghāz fiqhiyya*, eds Muḥammad Abū al-Ajfān and ᶜUthmān Biṭṭīkh (Cairo; Tunis, n. d.), p. 181; and cf. Ibn ᶜAbd al-Barr, *al-Istidhkār*, 5, pp. 307–8.

authorities like him seem to have tacitly regarded a human corpse as out of the question in all circumstances.

However, as a Ẓāhirite scholar, Ibn Ḥazm could not afford to pass over the matter in silence, since here again he must prove that the Qurʾān and/or the Ḥadīth corpus explicitly prohibits human flesh, even in a case of necessity. He states that all kinds of normally forbidden food are permitted in case of extreme hunger, save human flesh and poisonous substances. Human flesh is utterly prohibited, whether in normal or abnormal circumstances (‘*lā yaḥullu min dhālik shayʾ aṣlan lā bi-ḍarūra wa-lā bi-ghayrihā*’). One should think such an emphatic and atypical prohibition would need some powerful explanation, but, in fact, the only reason cited by Ibn Ḥazm is the one, already mentioned, about the impossibility of burying a corpse if it is eaten.[38] The implication seems to be that the dignity of the human body, which necessitates a decent burial, takes precedence over the need to save a starving person. Therefore, the tacit principle is that the human body itself has a dignity that makes it inviolable. This interpretation seems to be corroborated by a passage in Abū Ḥāmid al-Ghazālī’s *Iḥyāʾ ʿulūm al-dīn*. While the great Shāfiʿite thinker does not discuss cannibalism *per se*, he does mention the problem in passing, in the context of the prohibition of eating disgusting materials. He argues that:

> […] we say that if a little piece of the flesh of a dead human being (*juzʾ min ādamī*) fell into a cooking pot, be it the weight of a *dānaq* [sixth of a dirham], the whole [pot’s contents] would become prohibited: not because of being impure (*lā li-najāsatihi*), for the correct [opinion] is that a human being does not become impure by death, but because eating it is prohibited by virtue of its inviolability rather than by being considered filthy (*iḥtirāman lā istiqdhāran*).[39]

In other words, since it is human dignity that is at the root of the prohibition of human flesh, cannibalism is prohibited in all circumstances, regardless of whether the victim has been killed unlawfully or not. The body of any human being has an inviolability of its own that must be respected. On a first reading,

38. *al-Muḥallā bil-āthār*, 6, pp. 105–6.
39. Abū Ḥāmid al-Ghazālī, *Iḥyāʾ ʿulūm al-dīn*, ed. Badawī Ṭabāna (Cairo, n. d.), 2, p. 94. The notion of the inviolability of the human body is often expressed, as in this passage, with derivatives of the root *ḥ-r-m*; see, for instance, Baber Johansen, ‘The valorization of the human body in Muslim Sunni law’, in *Law and Society in Islam*, eds Devin J. Stewart, Baber Johansen and Amy Singer (Princeton, 1996), p. 74. The Mālikite scholar Abū al-Qāsim al-Burzulī (d. 841/1438) expresses the inviolability of the human body with the noun *sharaf* in a passage on the prohibition of euthanasia. See Burzulī, *Fatāwī al-Burzulī*, 1, p. 645.

this seems to be the purport of al-Ghazālī's text. And yet, al-Ghazālī belonged to the Shāfiᶜite school – the only legal school that, to my knowledge, allowed for the theoretical possibility of someone eating another person's flesh in case of starvation. Thus, al-Suyūṭī (d. 911/1505) recognises the possibility of eating a dead human body out of *ḍarūra*, although he adds that no-one should be killed for the purpose and that the corpse of a prophet should never be eaten, since its inviolability (*ḥurma*) overrules the necessity of saving a starving person.[40] The majority of Shāfiᶜite authorities ruled that a human corpse – unless, of course, it is that of a prophet – might be eaten by a starving man, because, as al-Baghawī put it, 'the dignity of a living person takes precedence (*ḥurmat al-ḥayy ākad*)'. Some Shāfiᶜite authorities went beyond this, saying that certain categories of people may even be slaughtered to be eaten by a starving Muslim: infidels waging war against Muslims, apostates, possibly even Muslims who would be subject to the death penalty anyway (for example, adulterers and brigands). Palpably uneasy with the mechanical treatment of such a ghastly topic, al-Māwardī specified that it was only permissible to eat the bare minimum to save one's life 'to preserve both [persons'] dignity' (*ḥifẓan lil-ḥurmatayn*), and that no cooking is permitted, as that would be an affront to the dead body's inviolability (*hatk li-ḥurmatihi*).[41]

As legal views ranging from silence to the uncanny theoretical disputes of some Shāfiᶜite scholars to total condemnation attest, the issue of anthropophagy was speculative enough to elicit very different responses. The absence of unanimous and widely known legal instructions is reflected in the authorities' sometimes haphazard reactions to the sporadic cases of cannibals brought to justice in times of famine and hunger. While it is mostly the idea of the absolute inviolability of the human body that probably tended to inform the practice of Muslim authorities in such cases, I have also come across an incident showing a departure from this tendency. It is supposed to have taken place during the Muslims' siege of Constantinople in 99/717–18. As a combination of plague and famine reduced the Muslim army to misery, a man was caught eating the flesh of a human corpse. The emir of the army sent him to the *qāḍī* of Damascus, Yazīd b. Khalīfa al-Yaḥṣubī, whose sentence was astonishingly lenient: 'A starving community

40. al-Suyūṭī, *Ashbāh*, pp. 104–7. To appreciate the artificiality of such discussions, it is useful to bear in mind that one of the basic tenets of Islam is that there are no prophets after Muḥammad.

41. Yaḥyā b. Sharaf al-Nawawī, *al-Majmūᶜ: Sharḥ al-Muhadhdhab* (Cairo, [1344] 1925), 9, p. 44. (Al-Ghazālī is one of the authorities cited by al-Nawawī in these passages.) I am indebted to Robert Gleave for calling my attention to these important passages (which made me reconsider my whole argument), as well as for providing me with a copy.

whose members [have been forced to] eat one another: no punishment is due (*umma jāᶜat fa-akala baᶜḍuhā baᶜḍan*, *lā ᶜuqūba ᶜalayhi*).'[42] However, in all later cases of cannibalism that I know of, the capital penalty was invariably applied to punish the perpetrators. The most helpful, if gruesome, source is the eyewitness description of the great Egyptian famine in the year 597/1201 by the physician ᶜAbd al-Laṭīf b. Yūsuf al-Baghdādī (d. 629/1231). This author describes in vivid detail a combined famine and epidemic that reduced quite a lot of people to eating food normally prohibited and considered disgusting: carrion, dogs and faeces. As the crisis progressively worsened, desperation drove many to the point of eating human corpses or persons slayed for the purpose – at first, mostly small children snatched from the street; later, just about any defenceless person. In all the cases mentioned by ᶜAbd al-Laṭīf, the cannibals brought to justice were summarily executed and their bodies burned.[43] The text seems to distinguish slaughterers and mere partakers of human flesh and specifies that both were put to death and burned ('*iḥrāq al-fāᶜil li-dhālik wa-l-ākil*').[44] Still, whether eating a dead person's flesh was in itself subject to the death penalty is not completely clear, and the author does not clarify this point. He says that many cannibals would provide excuses for their behaviour by claiming that the eaten person was a close relative of theirs; I presume that one implication of that claim must have been that they simply ate an already dead person, not someone slaughtered for that purpose. This may suggest that the killing was regarded as the greater part of the crime. On the other hand, judging by his tone, ᶜAbd al-Laṭīf seems to present such excuses as examples of the unbelievable degeneracy to which the common folk of Egypt had sunk. Even though it appears that eating human flesh would be punished by death whatever the circumstances, the issue must stay unresolved.[45] In another source, Yaḥyā al-Anṭākī's annals, three cases of cannibalism are mentioned in the course of the description of a famine in Baghdad in 334/945–6, and in each case the perpetrator was executed. However, it is explicitly stated in all cases that the flesh came from the body of a child

42. Wakīᶜ Muḥammad b. Khalaf b. Ḥayyān, *Akhbār al-quḍāt* (Beirut, n. d.), 3, pp. 212–13.
43. Baghdādī, *Kitāb al-Ifāda*, pp. 85, 87. On burning as a punishment in early Islamic culture, see the chapter by Andrew Marsham in this volume.
44. Baghdādī, *Kitāb al-Ifāda*, p. 85.
45. Baghdādī, *Kitāb al-Ifāda*, p. 90. Notable is the perverse subversion of the juridical concept of *ajnabī*, an unrelated person (with whom social intercourse is normally forbidden under Islamic law). A woman eating a child's corpse defends herself by saying that the latter is her grandchild, not an *ajnabī*, so it is better if she eats him than if someone else did. Needless to say, the suggestion is so grotesque that it is hard not to detect a touch of dark parody in the text here.

purposefully captured and killed, which does not allow us to determine what the consequence of eating a corpse would have been.[46]

THE SYMBOLISM OF ANTHROPOPHAGY

Any act of anthropophagy means the violation of the dignity of a human body. Customary cannibalism, however, violates more than a lifeless corpse. A symbol of ultimate depravity and degeneracy, what it represents is not just sinful behaviour, but a questioning of the most elementary civilised norms. For modern Westerners and medieval Muslims alike, cannibals are not simply exotic: more than that, they do not share our most fundamental principles of civilised behaviour. It is not a matter of committing deviant acts, but one of denying that they are deviant. Survival cannibalism is a symbol of wretchedness and misery; voluntary cannibalism is a symbol of barbarism and all that is inimical to Islam.

The archetype of the horrid 'cannibal' in Islamic culture is Hind bt. ʿUtba, the heathen virago who ate the liver of Ḥamza b. ʿAbd al-Muṭṭalib – the Prophet's uncle – as a sign of her revenge over the Muslims after the battle of Uḥud. It is revealing that this symbolic munching of a little piece of human flesh should be the ultimate emblem of the savagery of the Prophet's Meccan enemies, of the *Jāhiliyya* – the era before the civilising force of Islam.[47] For instance, in a literary source, one finds the phrase 'eating Ḥamza's liver' as a metaphor of an evil and un-Islamic act.[48] The same powerful symbolism appears in a passage on the Carmathians of Eastern Arabia, whom most Sunnī Muslims regarded as a barbaric threat against the Muslim community and would reluctantly, if at all, recognise as fellow believers. The Muʿtazilite theologian and judge ʿAbd al-Jabbār al-Hamadhānī (d. 415/1025) recounts the killing of the false Mahdī of the Carmathians, a Persian youth, by orders of Abū Ẓāhir, the Carmathian leader in the early fourth/tenth century. In the course of his narrative, he mentions that the slain man's liver was removed from his body and eaten by Abū Ẓāhir's sister, Zaynab, in a revengeful gesture clearly designed to be reminiscent of Hind bt.

46. Yaḥyā b. Saʿīd al-Anṭākī, *Tārīkh* = *Eutychii Patriarchae Alexandrini Annales*, Corpus Scriptorum Christianorum Orientalium 50–1 (Scriptores Arabici ser. 3 nos. 6–7), eds L. Cheikho, B. Carra de Vaux and H. Zayyat (Beirut, 1906–9), 2, p. 104. Here, no burning of the perpetrators' bodies is mentioned.
47. Hind and her companions also mutilated the Muslim dead, and she made for herself a sort of necklace of chopped-off ears and noses. On the incident at Uḥud, see Abū Jaʿfar Muḥammad b. Jarīr al-Ṭabarī, *Tārīkh al-umam wa-l-mulūk*, ed. Nawāf al-Jarrāḥ (Beirut, [1424] 2003), 1, pp. 397–9.
48. Abū Ḥayyān ʿAlī b. Muḥammad al-Tawḥīdī (attr.), *al-Risāla al-baghdādiyya*, ed. ʿAbbūd al-Shālijī (Cologne, 1997), p. 86.

ᶜUtba's savage act.[49] It is useful to recall here that the context of the letter about the Omani cannibal troops is the struggle between the Muslim armies and the abominable Carmathian heretics.[50] The association of Carmathians with cannibalistic acts may offer a clue to the symbolism of cannibalism for medieval Muslims.

Carmathians were regularly, and in some limited sense perhaps not unfairly, accused by Sunnī Muslims of 'permitting' (*ibāḥa*) things that Islamic norms strongly forbid, including alcoholic beverages, incestuous sex and sodomy and other assorted forms of depravity.[51] That they should permit the ultimate debasement of human nature, cannibalism, fits only too well with the image that hostile Sunnī authors project about them. The key term is 'permitting' unlawful things. The distinction between committing sinful acts and denying that they are sinful was explicitly recognised by medieval Muslim thought, especially in legal sources. It is a recurring theme in Islamic jurisprudence that regarding unlawful activities as lawful is a far greater sin and offence than is the mere fact of engaging in those unlawful activities. Indeed, it is taken as a sign of being outside the Muslim community. Most relevant for our purpose is the distinction between eating or drinking a forbidden substance like pork or wine, which (though sinful) will not disqualify someone as a Muslim, and considering it to be lawful, which will.[52]

49. al-Qāḍī ᶜAbd al-Jabbār b. Aḥmad al-Hamadhānī, *Tathbīt dalāʾil al-nubuwwa*, ed. ᶜAbd al-Karīm ᶜUthmān (Beirut, 1966), p. 387; also cited in Suhayl Zakkār, *Akhbār al-Qarāmiṭa* (2nd edn) (Damascus, [1402] 1982), p. 160. In al-Dhahabī's version, which relies on what is presented as the eyewitness testimony of the physician Ibn Ḥamdān, it is one of Zaynab's brothers who removes the liver from the corpse and gives it to his sister to eat. Nevertheless, a female perpetrator is clearly needed for reminiscences of Hind's act to work. See Shams al-Dīn Muḥammad b. Aḥmad al-Dhahabī, *Tārīkh al-islām wa-wafayāt al-mashāhīr wa-l-aᶜlām*, ed. ᶜUmar ᶜAbd al-Salām Tadmurī (Beirut, [1415] 1994), pp. 34, 16.
50. Likewise, an Ottoman chronicle imputes cannibalism to the Qizilbash troops of the arch-enemies of the Ottoman sultans, the Shīᶜite (and, for the Ottomans, 'heretic') Safavid dynasty, the purpose being to portray them as barbarians barely recognisable as fellow Muslims; see Bashir, 'Shah Ismaᶜil and the Qizilbash', p. 238.
51. ᶜAbd al-Jabbār al-Hamadhānī's account also dwells on the Carmathians permitting various forms of incest and sexual abandon before narrating an appalling act of anthropophagy; see ᶜAbd al-Jabbār, *Tathbīt*, p. 387.
52. See, for instance, Abū al-ᶜAbbās Aḥmad b. Muḥammad al-Haytamī, *al-Iᶜlām bi-qawāṭiᶜ al-islām* (published together with his *al-Zawājir ᶜan iqtirāf al-kabāʾir*) (Beirut, n. d.), 2, p. 353 sqq (Shāfiᶜites and other law schools); Muḥammad b. Ismāᶜīl b. Muḥammad al-Rashīd, *Tahdhīb Risālat al-Badr al-Rashīd fī al-alfāẓ al-mukaffirāt* (Beirut, [1411] 1991), pp. 46–7 (Ḥanafites); al-Ṭūsī, Abū Jaᶜfar Shaykh al-Ṭāʾifa b. al-Ḥasan al-Ṭūsī,

With this in mind, it will be instructive to have a look at the terminology of the 'eyewitness reports' quoted above. They present the cannibals as engaging in their gory practices out of sheer perversity, enjoying and extolling human flesh over 'civilised' food: in Muslim legal terms, they regard it as lawful (*ibāḥa* or *istibāḥa*). The account in the *Yatīma* explicitly states, using the Arabic word *istibāḥa*, that the Zanj savages regard human flesh as lawful food. Another term with a particular significance here is the Arabic adjective *ṭayyib* (good, nice, delicious) and its derivatives, which recur in our texts. The word has strong Qurʾānic connotations, as it occurs in the well-known command 'O believers, eat of the good things wherewith We have provided you (*kulū min ṭayyibāti mā razaqnākum*)'.[53] In a religious context, food that is *ṭayyib* is one that is given to man by God with the express purpose of providing wholesome nourishment. It may also carry the meaning of 'permitted' from a religious point of view, making it a synonym of *ḥalāl*,[54] which reinforces the religious and legal overtones. Given these connotations, the occurrence of the term in our texts cannot be coincidental. Ibn Baṭṭūṭa uses the adjective *aṭyab* (comparative of *ṭayyib*) to describe what the cannibals supposedly find tastiest in a human body. ʿAbd al-Laṭīf's description of the great famine in Egypt also uses the root of the word *ṭayyib* to stress the subversion of the most elementary civilised norms. In one passage, he says that cannibals in Egypt grew to regard human flesh as 'good' food (*ittakhadhūhu […] maṭyaba*). Elsewhere, he claims that while some cannibals ate human flesh because of hunger, others did so because they found it good (*istiṭābatan*), again using a form derived from the same root.[55] Within the same conceptual framework, al-Thaʿālibī's text expresses the annihilation of the Zanj troops through the verb *ṭahhara* (purify, in a ritual sense), the actor being God, as though victory over the cannibals meant the removal of some defilement.[56] In

al-Nihāya fī mujarrad al-fiqh wa-l-fatāwī, ed. Muḥammad Taqī Dānishpazhūh (Tehran, 1342–3), 2, p. 734 (Twelver Shīʿites); Abū ʾl-Ḥasan ʿAbdallāh b. Miftāḥ, *al-Muntazaʿ al-mukhtār min al-ghayth al-midrār al-maʿrūf bi-Sharḥ al-azhār* (Ṣaʿda, [1424] 2003), 10, p. 114 (Zaydites).

53. Q 2:172; and also similar expressions in 2:57; 7:32; 7:158; 16:114.
54. As noted in al-Jāḥiẓ, *Kitāb al-Ḥayawān*, 2, pp. 25–6. On the Qurʾānic nomenclature expressing the notions of purity versus impurity and permissibility versus prohibition, see Masud, 'Food and the notion of purity', pp. 107–9.
55. Baghdādī, *Kitāb al-Ifāda*, pp. 86, 87.
56. One of the traditional functions of accusations of cannibalism is to dehumanise the enemy and thereby justify conquering and subjugating them, this latter being presented as bringing culture to the savages – what loftier purpose than to wean cannibals off their grisly habits and turn them into civilised beings? See Arens, *The Man-Eating Myth*, p. 141. Accusations of cannibalism may even today be employed for political ends, as a

short, cannibals are portrayed in the texts as both a religious and civilisational challenge. Through applying religiously charged terminology, the authors stress the voluntary denial and subversion of civilised norms.

One of the texts, that of Buzurg b. Shahriyār, seems anomalous at first from this point of view. Presenting his cannibalistic people in a more sympathetic light, he does not employ religious terminology in the way shown above. In this account, Muslims are received cordially by the supposed cannibal king and his people not once but twice, even after they have committed a monstrous act of treachery against him. (That what they do is unlawful in Islam is all too obvious to the perpetrators themselves, as can be gathered from the narrator's comments.) At first sight, one may be tempted to identify an early instance of the 'noble savage' theme here, with the cannibals' king and his subjects displaying more decency than the Muslim visitors to his country. On closer scrutiny, however, the moral of the story is different. The crucial point to note is that on their second visit the sailors find the king converted to Islam along with his whole court. Indeed, he feels grateful to the sailors, if prudently wary of their treacherousness, for their unintended role as instruments of his path from savagery to Islam and, by implication, to civilisation. It is at this point that the full meaning of the cannibal king's unexpectedly (and untypically) noble conduct becomes clear: it portended his later openness to Islam and eventual conversion. The king is thus not a noble savage, but rather a potential Muslim, a Muslim-in-the-making. Accordingly, the story illustrates what a true Muslim is or should be like, rather than the intrinsic nobility of the savages, people outside the fold of Islamic civilisation. As in the other reports, here, too, the terminology is revealing, although employed in a different manner. In a crucial passage of the text, the king forgives the dishonest sailors the second time they fall into his hands, but he refuses to take their gifts, calling all their property *ḥarām* (forbidden from a religious point of view) because ill-gotten, a rich irony if ever there was one. The concepts of *ḥalāl* and *ḥarām* – lawful and unlawful – occur explicitly in another passage too, where the king expresses his gratitude to God for letting him learn the basic norms of Islam, including the difference between what is lawful and what is not.[57]

A cannibal is supposed to be unable to discriminate between permitted and forbidden things, thus taking no notice of civilised norms, and here is one who

symbol of extreme and unlawful violence; for an instructive case study, see Johan Pottier, 'Rights violations, rumour, and rhetoric: making sense of cannibalism in Mambasa, Ituri (Democratic Republic of Congo)', *Journal of the Royal Anthropological Institute* 13 (2007), pp. 825–43.

57. Buzurg, *ʿAjāʾib*, pp. 55, 59.

turns out to be not only a Muslim, but well aware of what is lawful and unlawful in Islam, while those who were born Muslims and should know better fail the same test. As in the other texts, here, too, norms and boundaries of civilisation are stressed and reaffirmed. And, after all, that is the ultimate purpose of all the talk about cannibals.

CHAPTER

14

ANIMALS WOULD FOLLOW SHĀFIʿISM: LEGITIMATE AND ILLEGITIMATE VIOLENCE TO ANIMALS IN MEDIEVAL ISLAMIC THOUGHT

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The fact that Islam allows humans to consume meat and obtain several services from nonhuman animals is prevalently interpreted as a sign of anthropocentrism. For example, G. H. Bousquet considers that God created other animals to serve humans, thus suggesting that nonhuman animals have little or no intrinsic value in Islam.[1] Carol Bakhos, Mohammed Hocine Benkheira and many others subscribe to the same opinion.[2] The aim of this chapter is not to contest this view altogether, but to argue that the supposed anthropocentric character of Islamic tradition has been overemphasised at the expense of the theocentric one. Anthropocentrism is, of course, a 'sin', of which all human societies seem to be guilty. Nevertheless, to the extent that one can discern from medieval Islamic texts, the anthropocentric tendencies of pre-modern Muslim societies were often held in check by the equally, if not more important, theocentric character of the tradition. This approach resulted in genuine respect and serious engagement with nonhuman animals' interests. The question of legitimate and illegitimate violence is well situated to illustrate this point. Thus, as I investigate how some Muslim scholars justified and categorised acts of force against animals, I will also assess the extent to which anthropocentric presuppositions shaped Muslims' attitudes toward other animals.

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1. G. H. Bousquet, 'Des Animaux et de leur traitement selon le Judaïsme, le Christianisme et l'Islam', *Studia Islamica* 9 (1958), pp. 32–3.
2. Carol Bakhos, 'Jewish, Christian, and Muslim attitudes toward animals', *Comparative Islamic Studies* 5.2 (2009), pp. 177–219. Mohammad Hocine Benkheira, *Islām et interdits alimentaires. Juguler l'animalité* (Paris, 2000).

PRELIMINARY REMARKS: ANIMALS' SPIRITUAL AND PHYSICAL NATURE

Islam's textual sources, the Qurʾān and the Ḥadīth, are mostly concerned with humans' character and destiny, even while reflecting the view that the majority of humankind are disbelievers on one hand and emphasising the spiritual nature of the nonhuman creation on the other. This seeming paradox notwithstanding, the attribution of spirituality to other creatures still carries great weight. Nonhuman animals' perceived spirituality is, in fact, often invoked as a foundational principle for their ethical treatment. It is, for example, reported that the Prophet once admonished a group of people whom he saw engaging in idle talk while sitting on the backs of their riding mounts, explaining that these animals may be better than their riders, as they may remember God more frequently.[3] From this *ḥadīth*, one discerns a theocentric outlook (it is due to their remembrance of God that animals deserve respect and consideration), which serves both to elevate the status and delegitimise a form of abuse against these animals.

Moreover, unlike, for example, the dominant attitudes of the Western Enlightenment, which, as Richard Foltz explains, 'saw non-human animals as nothing more than soulless machines whose sole function was to serve human needs',[4] nonhuman animals' sentiency is fully acknowledged in the mainstream tradition. The notions of *īlām al-ḥayawān* (inflicting pain on animals) and *taʿdhīb al-ḥayawān* (causing animals to suffer) are invoked as another justification for regulations proscribing certain violent acts against animals. For example, the Shāfiʿī scholar al-Juwaynī (d. 478/1085) disallows the selling of wool before shearing it, because the nature of such a contract presupposes that the buyer owns all the wool on the sheep's skin, yet cutting the wool down to the skin would cause the sheep to suffer. Thus, the conflict between the buyer's rights and the sheep's interest, founded on the assumption that the sheep is sentient, precludes the validity of such a contract.[5] This is one of innumerable instances whereby the interest of a nonhuman animal is prioritised over that of a human being.

SCRIPTURAL FOUNDATIONS

The Qurʾān declares the consumption of the flesh of many animals as permissible (Q 5:1). Since it also prohibits the consumption of carrion, the permissibility of killing animals for food is thus clearly implied. Furthermore, although the Qurʾān merely permits (rather than imposes) the consumption of meat, it still

3. Aḥmad b. Ḥanbal, *Musnad Aḥmad* (Beirut, 1996), 24, p. 392, *ḥadīth* no. 15629.
4. Richard Foltz, *Animals in Islamic Tradition and Muslim Cultures* (Oxford, 2006), p. 27.

disallows Muslims from interfering with this sanction, as it says: 'Believers, do not proscribe the good things that God made permissible for you' (Q 5:87). Among the things that Muslims are not free to proscribe, many Qurʾānic exegetes explain, is the consumption of meat.

On the other hand, the Qurʾān reports the devil as vowing to 'command (people) to cut the ears of cattle and to change God's creation' (Q 4:119), thus communicating an implied criticism of a form of mutilation of an animal category. Although the idea of 'changing God's creation' does not seem to explicitly pertain to animals, it has often been understood in relation to them – for example, by castrating them. Similarly, Q 2:205 is critical of someone who strives in the earth 'causing corruption and destroying crops and life (*yuhlik al-ḥartha wa-l-nasl*)', which conveys a condemnation of killing. From these sanctions and criticisms, it is possible to conclude that the Qurʾān pronounces an act that is generally considered violent – namely, killing – as legitimate. On the other hand, by allowing killing only in the context of food, while condemning the killing and mutilation of animals in other contexts, it seems to disallow other types of violence toward animals.

The permissibility of killing for food is reiterated in the Ḥadīth, and the Prophet himself is reported to have slaughtered animals and consumed meat.[6] Furthermore, Muslims who can afford the cost are strongly recommended to sacrifice sheep, goats, cattle or camels during the Sacrifice Feast (*ᶜīd al-iḍḥā*), wedding celebrations (*walīma*) and the birth of children (sacrifice called *ᶜaqīqa*). Besides killing for food, some prophetic reports stipulate that the killing of the members of five animal species, called *fawāsiq* (sing. *fāsiq*/*fāsiqa*), incurs no blame (*lā ḥaraja ᶜalā man qatalahunn*). According to one report, these species are mice, kites, mottled crows, scorpions and ferocious dogs; whereas another mentions snakes instead of scorpions.[7] Based on the etymology of the word *fawāsiq* (literally: those which form an exception), Muslim scholars propose that these animals are thus called either because, unlike other animals, they are transgressors or, unlike other animals as well, because the principle of inviolability (discussed below) does not apply to them.[8] Another animal that the Prophet

5. al-Imām al-Juwaynī, *Nihāyat al-maṭlab fī dirāyat al-madhhab* (Jidda, 2007), 5, p. 419.
6. Muḥammad b. Ismāᶜīl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, no. 5617. References to Ḥadīth reports from the six books (al-Bukhārī, Muslim, Abū Dāwūd, al-Tirmidhī, al-Nasāʾī and Ibn Māja) are from the collection of *Jamᶜ jawāmiᶜ al-aḥādīth wa-l-masānīd wa-maknaz al-ṣiḥāḥ wa-l-sunan wa-l-masānīd* (Cairo, 2000).
7. Mottled crows are singled out apparently because they kill small birds and chicks.
8. *Fawāsiq* is derived from the verb *fasaqa*, which 'is said to signify primarily it (a thing) went forth from another thing in a bad or corrupt manner'. Edward Lane, *An Arabic–English Lexicon*, s. v. '*f.s.q.*'

may have commanded Muslims to kill is the lizard (*wazagh*, pl. *awzāgh*).[9] Muhammad is also reported to have commanded the killing of the dogs of Medina, a command that he later reversed.[10] Finally, an aggressing beast of prey (*al-sabuᶜ al-ᶜādī*) may be killed, even in the state of ritual sanctity.

Apart from these permissions and recommendations, Muḥammad is generally believed to have prohibited the killing and mutilation of nonhuman animals. A *ḥadīth* states: 'Every human being (*mā min insān*) who kills a sparrow or any larger animal for no legitimate reason will be held accountable for it on the Day of Judgment.' When he was asked what constituted a legitimate reason, he explained: 'to kill it for food, not to discard it after severing its head'.[11] Another report states that: '(Even) a small bird which is killed in vain (*ᶜabathan*) will raise its voice in complaint to God on the Judgment Day saying, "My Lord, so and so killed me pointlessly, not to benefit from me."'[12] The general legal precept that animals 'may be killed only for food' (*illā li-maʾkala*), which is often encountered in jurisprudence manuals, is derived, at least in part, from these teachings.

Allowing an animal to perish out of cruelty or neglect is also presented as punishable in the hereafter,[13] whereas saving the life of an animal is commendable and may result in the greatest reward. The method of killing is another matter of concern in the Ḥadīth. A prophetic report states that: 'God has ordained kindness (*al-iḥsān*) in everything. Thus, when you kill, kill well and when you slaughter, slaughter well.'[14] To slaughter an animal 'well', this and other *ḥadīth*s proceed to explain, includes the sharpening of the blade before coming in the presence of the animal to be killed, carrying the animal gently to the place where it is to be slaughtered and allowing it to rest on its side and face the direction of Mecca. Animals belonging to the same and related species should not witness the killing. Finally, the person who performs the slaughter should mention God's name and slaughter the animal swiftly. Among the *ḥadīth* reports that allow the killing of lizards, a version states that killing this animal by hitting it once would earn the person greater reward than if one kills it by hitting it twice or three times.[15] Therefore, even when it is legitimate to kill an animal, it is illegitimate to increase its pain unnecessarily.

9. Bukhārī, *Ṣaḥīḥ*, no. 1862.
10. Muslim, *Ṣaḥīḥ*, no. 4103.
11. Nasāʾī, *Sunan*, no. 4366.
12. Nasāʾī, *Sunan*, no. 4463.
13. Bukhārī, *Ṣaḥīḥ*, no. 3353.
14. Muslim, *Ṣaḥīḥ*, no. 5167.
15. Muslim, *Ṣaḥīḥ*, no. 5983.

The Prophet is also reported to have proscribed the mutilation (*al-muthla*) of animals.[16] To confine or force an animal to remain still (*al-maṣbūra wa-l-mujaththama*) in order to kill it by arrows or the like is also explicitly prohibited.[17] More generally, the Prophet is reported to have said: 'Do not take any being that has a soul as a shooting target', and to have cursed the person who does so.[18] In both Sunnī and Imāmī traditions, however, to brand one's livestock (*al-wasm*) is not prohibited, provided that the animal is not branded on the face.[19] Furthermore, instigation of animal fights (*al-taḥrīsh bayn al-bahāᵓim*) is proscribed according to the Sunnī Ḥadīth,[20] whereas the Imāmī Ḥadīth allows it only among dogs.[21]

Size considerations are important to the question of legitimate and illegitimate violence toward animals. Since the Ḥadīth affirms that humans in the hereafter will be held accountable for the gratuitous killing of a 'small bird' or anything larger, it is justified to infer that this accountability does not extend to insects. Some narrations, however, state that bees and ants should not be killed.[22] Furthermore, to burn animals alive, including insects, is proscribed.[23]

Since both the Qurᵓān and the Ḥadīth permit Muslims to use animals of burden for transportation, a number of prophetic reports impose restrictions on this prerogative. In addition to the *ḥadīth* forbidding Muslims from sitting unnecessarily on the backs of these animals (mentioned above), the Prophet is also reported to have said 'delay the loading (of animals, *akhkhirū al-aḥmāl*)', meaning that burdens should not be loaded on the backs of animals until their owners are ready to start moving.[24] According to Shīᶜī Ḥadīth, it is also permissible to hit riding animals if one wants to incite them to move faster, but not if these animals stumble (*iḍribūhā ᶜalā al-nifār wa-lā taḍribūhā ᶜalā al-ᶜithār*).[25] Both Sunnī and Shīᶜī traditions, however, proscribe the hitting of any animal on the face.

The Ḥadīth delegitimise not only physical, but also psychological violence. Abū Dāwūd (d. 275/889) reports that when the Prophet once discovered that some of his companions deprived a mother bird of her chicks, he immediately

16. Nasāᵓī, *Sunan*, no. 4457.
17. Bukhārī, *Ṣaḥīḥ*, no. 5571.
18. Muslim, *Ṣaḥīḥ*, no. 5171.
19. Tirmidhī, *Sunan*, p. 1813; Muḥammad b. Yaᶜqūb al-Kulaynī, *Furūᶜ al-kāfī* (Beirut, 1990), 4, p. 560.
20. Tirmidhī, *Sunan*, no. 2564.
21. Kulaynī, *Furūᶜ*, 4, no. 568.
22. Abū Dāwūd, *Sunan*, no. 5269.
23. Abū Dāwūd, *Sunan*, no. 2677.
24. al-Bayhaqī, *al-Sunan al-kubrā* (Beirut, 2003), *ḥadīth* no. 11661.
25. Kulaynī, *Furūᶜ*, 4, p. 552.

asked 'who distressed this bird?' and commanded the companions to return the chicks to their mother.[26] This command implies that the mother bird is perceived as emotionally sensitive, and that its emotional needs must be attended to.

Thus, according to both the Qurʾān and the Sunnī and Shīʿī Ḥadīth, the legitimacy of killing for food and using equines and camels for transportation is expressly stated. On the other hand, these permissions are subject to many restrictions. With the exception of the few animals designated as *fawāsiq* and insects, the killing of any animal for reasons other than food consumption is presented as illegitimate. It is also notable that self-defence is not explicitly mentioned as a justification of violence against nonhuman animals. Rather, cases that may fall under this category are addressed individually – for example, by giving permission to kill attacking beasts of prey, domestic animals that turn wild and the few *fawāsiq*. This may imply that, with the exception of the latter group (*fawāsiq*), nonhuman animals are generally not perceived as a threat to human beings. Remarkably also, the legitimacy of killing insects is implied, rather than verbally stated. The Ḥadīth's stance on this point appears to be that 'it is not illegitimate' to kill insects, rather than that 'it is legitimate to kill them', which may denote a tacit discouragement of killing them. In spite of this considerable attention, or perhaps because of it, infliction of pain on nonhuman animals appears to have been a source of disconcertment for many Muslims, thus calling for various rationalisations.

Accounting for the Legitimacy of Violence Toward Animals

Accounting for the divine permission to use some animals for humans' benefit was a challenging task for many Muslim theologians. Although some were satisfied with anthropocentric justifications, claiming that humans' superior status warranted that other animals be put at their service and killed for their sake; for others, the sacrifice of the interests of an innocent being in order to accommodate the interests of another, even if one is considered superior to the other, appeared inconsistent with intuitive expectations of justice.

The Muʿtazilī school ought to solve this theodicy problem by introducing the idea of compensation. Like any Muslim in the mainstream tradition, al-Qāḍī ʿAbd al-Jabbār (d. 415/1024), for example, does not question the legitimacy of inflicting pain on other living beings, as long as it is within the prescribed perimeters of the *sharīʿa*, nor does he attempt to question the

26. Abū Dāwūd, *Sunan*, no. 2677.

wisdom underlying it. In ᶜAbd al-Jabbār's opinion, however, what allows the act of inflicting pain on animals to be acceptable is not the mere fact that God ordained it, but rather the assumption that He will compensate the victimised animals in the hereafter. ᶜAbd al-Jabbār, as Margaretha Heemskerk explains, is convinced that cattle do not deserve pain, since God did not impose obligations on them. Slaughter is not meant to save them greater harm either, 'since what could be a greater harm for them than slaughter?' Thus, the only remaining justification in his view is that God will compensate them generously in the hereafter. He even maintains that 'with respect to the cattle, God's permission to slaughter them can be equated with God's imposition of obligations on humans', since in their case the 'possibility to acquire divine compensation for being slaughtered is comparable with the possibility to deserve reward (*thawāb*) from God offered to humans by God's imposition of obligations'.[27] By offering this justification, ᶜAbd al-Jabbār not only offers an interpretation that safeguards the principle of God's justice, he also adopts a non-anthropocentric approach to creation. In the same way that God imposed obligations (*taklīf*) on human beings, He imposed slaughter on certain species. All species seem, therefore, to be treated equitably.

Al-Jāḥiẓ (d. 255/869), the prominent Baṣran Muᶜtazilī scholar, offers additional insights. He discusses a number of (unattributed) opinions on three acts of violence, which, short of death, can cause various degrees of pain to animals. These acts are castration, which is believed to improve the quality of the animal's meat; docking, which in al-Jāḥiẓ's discussion appears to be done in order to help sheep move faster; and branding, usually done to mark ownership.[28] Proponents of castration, al-Jāḥiẓ explains, argue for its legitimacy by drawing a parallel between it and branding, which the tradition condones. The implied view is that although branding is painful, the Ḥadīth still permit it, presumably because it benefits humans, as it allows them to identify each person's livestock. By analogy, the proponents of this view seem to propose, even though castration causes animals to suffer, it should still be permitted, because it benefits humans.

Opponents of castration, on the other hand, argue that branding and castration are entirely different, for whereas the former is no more than a slight burn (*ladhᶜa*), the latter involves severe pain, mutilates the animal, cuts its progeny

27. Margaretha Heemskerk, *Suffering in the Muᶜtazilite Theology: ᶜAbd al-Jabbār's Teaching on Pain and Divine Justice* (Leiden, 2000), p. 167.
28. Castration and docking are still widespread practices in different parts of the world. According to a 2002 USDA Animal Health Survey, 91.7 per cent of lambs are docked and 77.4 per cent of ram lambs are castrated in the United States.

and affects its bodily organs. Because of this, castration is more comparable to docking than it is to branding. Yet even docking in al-Jāḥiẓ's discussion is more justifiable, as it is generally done for the sake of the animal, rather than its owner (it allows it to move faster, thus keeping up with the flock's speed and avoiding the attacks of predators). Al-Jāḥiẓ, in fact, likens docking to painful acts that human beings sometimes have to endure because of the greater benefit they may derive from them, such as the amputation of a diseased limb. In this opinion, therefore, even though castration and docking may be equally painful, the latter acquires its legitimacy from the fact that it is done to spare the animal greater harm. Al-Jāḥiẓ concludes by citing an opinion that corresponds to his own. He says:

> You have no right to do anything to an animal, whether it is removal of an organ, inhibition of an organ's function, or infliction of pain, because you did not create it (*lā tamlik al-nashʾa*) and you cannot compensate it. If the owner of the essence of the animals (*mālik al-ʿayn*), i.e. God, the Exalted and Majestic, gives you permission to do something, then those things which in principle should be prohibited become permissible. Otherwise, you may inflict on animals only the type of pain that is thought to benefit them, such as treatment for diseases.[29]

Thus, in the Muʿtazilī view, unless painful acts are done for the sake of animals, violence to them remains illegitimate, unless humans are given explicit divine permission to the opposite effect. This permission, moreover, does not conflict with the principles of God's justice, because of the assumption that God will compensate animals generously in the hereafter for the pain He condones in this life. This discussion can hardly be indicative of anthropocentrism. Overall, it prioritises the interests of animals and restricts the privileges of humans to the bare minimum that the Qurʾān and the Ḥadīth explicitly permit.

Ashʿarīs differ with the Muʿtazilī on this question, but their concerns are similarly theocentric. Abū Ḥāmid al-Ghazālī (d. 505/1111), for example, rejects the idea that God is obligated to compensate animals for the pain inflicted on them in this life, because this would limit God's freedom.[30] Al-Ghazālī also disagrees that lack of compensation implies injustice, because the very definition of this notion precludes the possibility that God may be unjust. He explains:

> It is inconceivable to say of a human being that he is unjust when he manages his own property, unless that person violates the law. Since God neither manages

29. al-Jāḥiẓ, *Kitāb al-Ḥayawān* (2nd edn) (Cairo, 1965), 1, pp. 159–62.
30. Abū Ḥāmid al-Ghazālī, *al-Iqtiṣād fī al-iʿtiqād* (Beirut, 2004), p. 98.

> the property of someone else, nor is He under someone else's control to violate anybody's law, the notion of injustice by definition cannot apply to him.[31]

Al-Ghazālī and other Ashᶜarīs therefore agree that the legitimacy of killing or using certain animals is derived from scriptural permission, without seeking further justifications.

The Ḥanafī scholar al-Sarakhsī (d. 483/1090) also disagrees that the infliction of pain on animals is inconsistent with reason. Among the justifications he offers in support of this opinion is that to kill animals for food results in a greater gain, as it benefits 'the one animal species for whose sake other animals are created, i.e. the human being' (*li-man huwa maqṣūd min al-ḥayawanāt, wa-huwa 'l-ādamī*).[32] Like al-Jāḥiẓ, al-Sarakhsī draws a parallel with other painful acts that are condoned because of the greater benefits resulting from them. Therefore, he does not seem to deny that killing animals causes them pain, that, as such, in principle this act is objectionable and that one should opt for it only when it is believed that the gain outweighs the loss. Unlike al-Jāḥiẓ, however, al-Sarakhsī builds his equation on the anthropocentric premise that humans matter more than other animals, thus warranting the sacrifice of the interests of other species for their sake. It is of particular note that although al-Ghazālī, al-Jāḥiẓ and many other medieval scholars agree with al-Sarakhsī on humans' special status, not all of them perceive a logical correlation between humans' superiority and the use of other animals for their benefit.

ANIMALS IN *FIQH*

Predictably, all schools of law agree that killing animals for food is permissible, whereas gratuitous killing and mutilation are impermissible. The word 'gratuitous', however, received different interpretations. Whereas Shāfiᶜīs and, possibly to a lesser extent, Ḥanbalīs tended to limit humans' prerogatives to what the Ḥadīth permits explicitly; Ḥanafīs and Mālikīs generally considered any benefit that humans may derive from other species a legitimate reason to kill and occasionally even mutilate them. The following comparison between the four Sunnī and the Imāmī schools of law illustrates these differences.

31. Ghazālī, *Iqtiṣād*, p. 99.
32. Shams al-Dīn al-Sarakhsī, *al-Mabsūṭ* (Beirut, 1993), 11, p. 221.

EXPANDING HUMAN PREROGATIVES

Since the flesh of carnivorous animals is either prohibited or discouraged according to Islamic dietary laws (schools of law differ on this point), in theory, the killing of beasts of prey can hardly be legitimate. The Ḥanafī scholar al-Sarakhsī, however, allows the hunting of this animal category, because one can, for example, use their hides.[33] Similarly, the Mālikī Ibn Abī Zayd al-Qayrawānī (d. 386/396) does not seem to object to the killing of animals of prey, provided that they are ritually slaughtered (*idhā dhukkiyat*), since, in his opinion, their hides may be used as prayer mats and may be sold.[34] Aḥmad Ibn Ḥanbal (d. 241/855)[35] and the Shīᶜī scholar Abū Jaᶜfar b. al-Ḥasan al-Ṭūsī (d. 460/1067)[36] do not seem as comfortable with the use of the hides of animals of prey (such hides should not/may not be used as prayer mats), but they do not oppose the use of animal hides categorically. This implies that they do not have serious objections to the hunting and killing of animals of prey.

In contrast, the Shāfiᶜī scholar al-Māwardī (d. 450/1058) unambiguously opposes the killing of beasts of prey, arguing that the Qurᵓānic word '*ṣayd*' (animals that may be legitimately hunted in regular circumstances) does not apply to them (*ism al-ṣayd lā yaqaᶜu ᶜalā 'l-sabuᶜ*). He also states that the Prophet disallowed Muslims from sitting on the hides of such animals.[37] Al-Māwardī's attitude appears to be more in tune with the Ḥadīth's teachings, since the Prophet is reported to have proscribed Muslims from the use of the furs of tigers (*mayāthir al-numūr*)[38] and, more generally, the hides of animals of prey (*julūd al-sibāᶜ*).[39] The same differences are reflected in the discussions of other animal products or uses, as illustrated in Table 14.1.

CASTRATION AND DOCKING OF DOMESTIC ANIMALS

The castration and docking of animals is a controversial issue. Jurists from the five schools of law agree on the prohibition of castrating members of the human species,

33. Sarakhsī, *Mabsūṭ*, 11, p. 220.
34. Ibn Abī Zayd al-Qayrawānī, *al-Risāla al-fiqhiyya* (Beirut, 1997), p. 186.
35. Aḥmad b. Ḥanbal, *Masāᵓil Aḥmad b. Ḥanbal riwāyat ibnihi ᶜAbd Allāh* (Beirut, 1981), p. 67.
36. Abū Jaᶜfar Shaykh al-Ṭāᵓifa al-Ṭūsī, *al-Mabsūṭ fī fiqh al-imāmiyya* (Qum, 2005), 4, p. 676. See also Kulaynī, *Furūᶜ*, 4, p. 555.
37. Abū al-Ḥasan Ibn Ḥabīb al-Māwardī, *al-Ḥāwī al-kabīr* (Beirut, 1999), 4, p. 343; Abū Dāwūd, *Sunan*, no. 4133.
38. Nasāᵓī, *Sunan*, no. 4271.
39. Abū Dāwūd, *Sunan*, no. 4134.

Table 14.1 Expanding human prerogatives: additional uses of nonhuman animals that may benefit humans

	Ḥanafīs	Mālikīs	Ḥanbalīs	Imāmīs	Shāfiʿīs
Killing animals of prey for their hides/furs	**Permissible**	**Permissible** (position inferred: No objection to the use of hides as prayer mats and for clothing)	**Somewhat permissible**: hides may be used for clothing, preferably not as prayer mats	**Somewhat permissible**: hides may not be used as prayer mats, may be used for clothing	**Impermissible**
Killing elephants for their tusks	**Permissible**	**Discouraged**	**Impermissible**	N/A	**Impermissible**
Castration of horses and other equines	**Permissible** if done with the intention of benefiting humans	**Impermissible**	**Discouraged**	**Permissible**	**Impermissible**
Castration of sheep/cattle	**Permissible**	**Permissible**	**Permissible**	**Permissible**	**Permissible** to castrate young livestock; not older ones
Docking	**Permissible**: however, if more than one third of the sheep's tail is cut off the sheep may not be sacrificed	Same as Ḥanafī position	Conflicting opinions	**Permissible**	Docked sheep may not be sacrificed

but hold conflicting opinions with respect to other animals. The Shīᶜī scholar al-Kulaynī (d. 329/841) reports that the Imām Jaᶜfar al-Ṣādiq (d. 148/765) condoned the docking of sheep if the owner deemed that this would improve his stock. In this case, however, the amputated tail may not be consumed.[40] Al-Ṭūsī states that a castrated animal may not be sacrificed, which implies that castration is perceived as a bodily defect (would that imply discouragement?), yet he does not object to the sacrifice of an animal the testicles of which are devitalised (*mawjūʾ*).[41] The Ḥanafī scholar Ibn Māza (d. 616/1219) writes: 'We do not see a problem with the castration of horses, nor with the castration of other animals.' Although Ibn Māza adds that some people object to castration on the basis that both the Qurʾān and the Ḥadīth speak against it, he (surprisingly?) still concludes that with the exception of the children of Adam, Ḥanafīs do not object to the castration of any animal, provided, of course, that it is done to acquire a benefit.[42] The Mālikī al-Qarāfī (d. 684/1285) and Aḥmad b. Ḥanbal object to the castration of horses, but not sheep.[43] Shāfiᶜīs are not categorically opposed to castration, yet they still impose more restrictions. Abū Zakariyā al-Nuwawī (d. 676/1278) maintains that sheep may be castrated during their young age, since this would improve the taste of their flesh, but not when they grow older. No other animal may be castrated, in his opinion.[44] Shāfiᶜīs, therefore, still impose more restrictions than any other school.

ANIMALS AS SPOILS OF WAR

Muslim jurists were also preoccupied by the question of the enemy's livestock and equines if the Muslim army is unable to carry them as spoils of war. Mālik b. Anas (d. 179/795) is reported to have allowed the killing or hamstringing of such animals, for leaving them behind would allow the enemy to benefit from them. Thus, the mere prospect of weakening the enemy justifies the killing and mutilation of these animals.[45] Al-Qarāfī, however, states that other Mālikīs disagreed with this opinion and held that with the exception of horses carrying fighting soldiers, no animal should be killed or hamstrung.[46] Al-Sarakhsī states

40. Kulaynī, *Furūᶜ al-kāfī*, 4, p. 270.
41. Ṭūsī, *Mabsūṭ*, 1, p. 388.
42. Burhān al-Dīn b. Māza, *al-Muḥīṭ al-burhānī fī al-fiqh al-Nuᶜmānī fiqh al-Imām Abī Ḥanīfa* (Beirut, 2004), 5, pp. 375–6.
43. Shihāb al-Dīn al-Qarāfī, *al-Dhakhīra* (Beirut, 1994), 13, p. 286; Aḥmad b. Ḥanbal, *Musnad Aḥmad* (Cairo, 1995), 4, pp. 390–1.
44. Muḥyī al-Dīn b. Sharaf al-Nawawī, *Kitāb al-majmūᶜ: sharḥ al-muhadhdhab lil-Shirāzī* (Jeddah, 1980), 6, p. 154.
45. Mālik b. Anas, *al-Mudawwana* (Beirut, 1994), 1, p. 524.
46. Qarāfī, *Dhakhīra*, 3, p. 409.

that such animals may not be hamstrung, but may be killed. He argues that 'it is legally permitted (*mubāḥ sharᶜan*) to kill animals when there is need, irrespective of whether or not their meat is to be consumed'.[47] Thus, even though the Ḥanafī position would spare the animals the severe pain of mutilation, impairment of the enemy's interests, in this opinion, still represents a valid reason for sacrificing their lives. The Ḥanbalī Ibn Qudāma al-Maqdisī allows the killing of farm animals only if Muslims intend to consume their flesh. However, he stipulates that horses and other animals that may be used in fighting should either be killed or hamstrung, in case they cannot be carried to Muslim lands. He justifies this opinion saying: 'Since it is prohibited to sell these animals to the disbelievers, it is more pertinent to deny them their use free of charge.'[48] The Imāmī scholar al-Ṭūsī is opposed to the killing of any animal, including the enemy's horses (outside the battle). However, if it is feared that disbelievers may recapture their horses and use them to attack Muslims, then these animals should be killed.

In contrast, the Shāfiᶜīs insist that with the exception of fighting soldiers and their mounts, no animal may be killed. Al-Māwardī, who cites relevant *ḥadīth*s to corroborate his view, argues that none of the reasons offered by other schools are commonsensical. In his view:

> If the point of killing (the enemies') animals is to frustrate them, then one can frustrate them even more by killing their women, yet (everyone agrees that) this is prohibited. Likewise, if the point is to weaken them, then this goal can be better achieved by killing their sons; which is proscribed as well.[49]

Al-Māwardī also explains that nonhuman animals have two *ḥurmas*, 'one belonging to their owners and the other to their Creator'. Even when the first one is no longer in force, the *ḥurma* belonging to the Creator continues to be applicable. 'This is why the owner of an animal does not have the right to deprive it of food and water', al-Māwardī adds, 'because, even if he chooses to neglect his own right, he is not allowed to neglect God's right'.

These two '*ḥurma*s', then, correspond to the different capacities in which certain animals exist. The first applies to their status as assets or property, in which case injury to such animals would be considered a violation of the rights of their owners, while the second applies to their status as 'persons' with their own inviolability. While both these capacities can guarantee the animals in

47. Sarakhsī, *Mabsūṭ*, 10, p. 37.
48. Ibn Qudāma al-Maqdisī, *al-Mughnī* (Riyadh, 1986), 9, pp. 290–1.
49. Māwardī, *Ḥāwī*, 14, pp. 190–1.

question certain rights, the second type of *ḥurma*, the one belonging to God, is much more significant. As illustrated by the discussion above, in the situation of war, the inviolability of the enemy's property would diminish or even cease to exist. Likewise, although in Islamic law self-infliction of injury or damaging one's own property is not allowed, tampering with one's property would not be as serious as tampering with another person's property. Therefore, while in certain situations injuring an animal in its capacity as property can be discouraged or prohibited, in other ones, such as wars, injuring it may become recommended or even required.

The second type of '*ḥurma*', on the other hand, translates into a set of 'uninfringeable protections', since these are protections against even the animal's owner and, for that matter, against humanity as a whole. According to al-Māwardī, they are applicable even in the context of wars. All schools of law are clearly aware of this second type of *ḥurma*, but not all of them give it as much weight as the Shāfiᶜī school does. It is also noteworthy that al-Māwardī refers to the second type of *ḥurma* as belonging to the animal's *Creator*, and not to the animal itself. Commenting on the prohibition of killing game when one is in 'pilgrim sanctity', Foltz criticises this rule as it pertains to conduct that 'is wrong because it is a crime *against* God, not against the animals in question'.[50] Although in this particular case Foltz may have a point, since atonement for killing wild animals in the state of pilgrimage sanctity is performed by killing domestic animals, this comment, in my opinion, does not do justice to the entire concept of *ḥuqūq Allāh*, or God's rights.

In fact, referring to certain rights as belonging to God instead of 'animals' should not be interpreted as something which generally reduces the value of these privileges. While it is beyond the scope of this paper to engage in a discussion of the concept of rights in Islam, it is still necessary to point out that in Islamic law 'God's rights' generally correspond to humans' obligations, whether in a ritual or social sense.[51] Therefore, by identifying the second *ḥurma* as something belonging to God instead of the animal in question, al-Māwardī is not only emphasising humans' obligations toward other animals, but may even be imparting to their rights a degree of sanctity and accountability that is ultimately even more beneficial to them. The principle of *ḥuqūq Allāh*, moreover, further emphasises the theocentric framework in which the Islamic ecological worldview and ethical system are situated. Humans are not free to treat nonhuman animals in

50. Foltz, *Animals in Islamic Tradition*, p. 39 (emphasis in the original).
51. Ebrahim Moosa, 'The dilemma of Islamic rights schemes', *Journal of Law and Religion* 15.1/2 (2000–1), pp. 191–2.

any way they may wish, because, in essence, nonhuman animals belong to God. Therefore, humans, in principle, should not exceed the limit of what they have been explicitly permitted to do with other species. To many Muslims, therefore, treating animals well was not merely a matter of compassion, as Bakhos argues, it was a matter of *obligation* entailing *accountability*, mainly in the afterlife, but often in this life as well. Although the underlying theocentric principle was not observed by all schools of law to the same degree, it seems that it was never totally absent from any jurist's awareness.

ANIMALS AND THEIR MARKET VALUE

Questions whereby animals' intrinsic worth is weighed against their market value are often encountered in medieval manuals of Islamic jurisprudence, particularly in sections addressing the issue of misappropriation (*ghaṣb*). Among the raised questions, there is, for example: If a misappropriated thread is used to suture the wound of an animal, then is the thread's owner allowed to take it back? What should one do if an animal swallows a precious stone, especially if this act is due to the owner's negligence, or if the animal in question swallows a misappropriated stone? What happens if a sheep inserts its head inside a pot to eat something and cannot pull it out? If a small camel goes inside a building and remains there until it becomes too large to exit through the door, should the animal be slaughtered or should a door be removed or even a wall demolished for its sake? Although instances of this type may be hypothetical and too rare to have had any measurable impact on the actual well-being of nonhuman animals, the way they were treated and the mere fact that they were raised is indicative of the thoughtfulness with which animal issues were approached in Islamic tradition.

As usual, the Ḥanafīs are the least inclined to prioritise the interests of animals, unless, of course, the animal in question is a human being. Ibn Māza, for example, does not always recommend the killing of the animal that is stuck in one of the situations described above, but his views in this respect are primarily shaped by financial considerations. For instance, if someone's camel is stuck in someone else's house or someone's pearl is swallowed by another's chicken, both parties need to weigh the market value of all items involved to reach a mutually satisfactory decision. If the best financial gain suiting both parties is reached at the cost of killing the animal in question, then this becomes the optimal solution. The only special consideration Ibn Māza seems to allow is for animals the flesh of which is not consumable, such as mules and asses, but even then one should attempt to save their lives only if the cost involved is slight (*yasīr*). Even in this case, however, Ibn Māza's main concern can be the

interests of the owner, who cannot benefit from the flesh of such animals, rather than the animal itself.[52]

The remaining schools give more weight to the interest of nonhuman species. According to al-Qarāfī, for example, if a misappropriated thread is used to suture the wound of an animal, its removal is not permitted if one fears for the well-being of that animal. It is of particular note that in the same discussion he states that if a misappropriated timber beam is used in a building, then it should be removed and returned to its rightful owner, even at the cost of demolishing a palace (*wa-in hadamta qaṣran*). The underlying rationale, al-Qarāfī explains, is that animals have *ḥurma* (inviolability), due to which one cannot sacrifice their well-being, even if it means that a human being's right of property is violated, whereas the principle of *ḥurma* does not apply to inanimate things.[53]

Ibn Qudāma's answer to the same question depends on which animal is treated. If the animal has no *ḥurma*, such as an apostate (!), a pig or a fierce dog, the thread may be recovered. If the treated animal has *ḥurma* yet belongs to the category of animals the meat of which is permissible, one may slaughter it and recuperate the thread, unless that animal belongs to someone other than the guilty party. However, if the treated animal has *ḥurma* yet its meat is not permissible, such as a human being, a mule or an ass, the thread may not be recovered until or unless it becomes clear that the animal would neither suffer from its removal, nor its healing be delayed. Ibn Qudāma explains that the well-being of such animals outweighs that of the rightful owner of the misappropriated thread. He also notes that the Ḥanbalī scholar Abū al-Khaṭṭāb (al-Kalwadhānī, d. 510/1116) and Shāfiᶜīs hold two positions on the second category of animals. Their second view consists of the impermissibility of killing any animal that has *ḥurma*, even if its meat is consumable, because the Prophet disallowed the killing of animals except for food.[54] The Shīᶜī scholar al-Ṭūsī also disallows the removal of the thread if one fears for the well-being of the animal, irrespective of whether or not its meat is consumable, unless the animal has no *ḥurma*.[55] These opinions imply that it is illegitimate or discouraged to kill the animal if the *primary intention* is the removal of the thread, rather than the consumption of the animal's meat (see Table 14.2).

Al-Māwardī offers a wide selection of opinions on these questions, which correspond largely to the ones discussed above. Besides, he cites earlier Shāfiᶜī authorities, who give more concise yet seemingly less compromising opinions

52. Ibn Māza, *al-Muḥīṭ al-burhānī*, 5, p. 484.
53. Qarāfī, *Dhakhīra*, 8, p. 327.
54. Ibn Qudāma, *Mughnī*, 5, p. 211.
55. Ṭūsī, *Mabsūṭ*, 3, p. 87.

Table 14.2 Removal of misappropriated thread used to suture animal's wound when animal's health is still at risk

	Ḥanafīs	Mālikīs	Shāfiʿīs	Ḥanbalīs	Imāmīs
Respected animals whose meat is consumable (cattle, camels, etc.)	Thread may not be returned, but al-Sarakhsī discusses this issue only when the thread is used to suture the wound of humans (master or slave), not in the case of nonhuman animals. (S., *M.*, 11:93)	Two opinions: 1. Slaughter animal then remove thread 2. Animal may not be slaughtered if the primary intention is to remove thread	Two opinions: 1. Slaughter animal then remove thread 2. Animal may not be slaughtered if the primary intention is to remove thread	Animal may be slaughtered then thread can be removed	Thread may **not** be removed
Respected animals whose meat is not consumable (human beings, equine, etc.)	See above	Thread may not be removed	Thread may not be removed	Thread may not be removed	Thread may **not** be removed
Non-respected animals (apostates, pigs, dogs)	See above	Thread may be removed	N/A	Thread may be removed	Thread may be removed

in this respect. Al-Shāfiᶜī himself, according to al-Māwardī, simply states that a misappropriated thread which is used to suture the wound of a human being or an animal should not be recuperated; rather, the one benefiting from such use (presumably the owner of the animal whose wound is sutured) must compensate its owner for the loss.[56] When Abū Ḥāmid al-Asfarāyīnī (d. 406/1016) was asked about an animal that swallows a pearl, he replied: 'I do not recommend that the animal be slaughtered because animals have *ḥurma*. The two parties (the owner of the stone and the owner of the animal) should rather try to reach (a different) amicable solution (*yaṣṭaliḥū*).' Abū Ḥāmid adds: 'Don't you see that if a person embezzles a thread to suture the wound of an animal that person is not obligated to give the thread back?'[57] Al-Shāfiᶜī's companions, Al-Muzanī (d. 264/878) and Ḥarmala (d. 243/858), also consider that a thread which is used to treat an animal that has *ḥurma* should not be removed, irrespective of whether or not its meat is permissible.[58]

CONCLUSION

Medieval Islamic canonical texts express no preferences whatsoever for vegetarianism. Although the permissibility of killing for food may have appeared to some as inconsistent with the notion of divine justice, this permissibility was never doubted or challenged in the mainstream tradition.[59] The legitimacy of killing harmful animals would seem hardly in need of intellectual justification. It is, however, interesting that al-Jāḥiẓ felt compelled to account for it. The fact that humans are allowed to kill some insects, such as lice or mosquitoes – although the limit of what these insects can do is to cause minor harm (*adhan*) – does not appear fully justifiable to him. Al-Jāḥiẓ, who is keen to point out that the permissibility of killing nonhuman animals for self-protection, whether pre-emptively or for actual damage, is not intended as punishment, apologetically justifies it saying: '[T]he One who created them and who can compensate them for their loss permitted us to kill them.'[60]

These discussions point to a general discomfort with killing. Related to this point, Foltz writes: 'There is a subtle, if rarely explored, undertone in Islamic law

56. Māwardī, *Ḥāwī*, 7, p. 201
57. Māwardī, *Ḥāwī*, 6, p. 407.
58. Māwardī, *Ḥāwī*, 7, p. 202.
59. The only exception of which I know is that of the famous poet Abū al-ᶜAlāᵓ al-Maᶜarrī (d. 1058/449). This is not to suggest that there were no other vegetarians or vegans in Medieval Islamic society – there probably were. It is only to say that we know of hardly any 'ideological' vegetarians or vegans.
60. Jāḥiẓ, *Ḥayawān*, 1, pp. 162–3.

that killing in general is essentially a bad thing.' Foltz concludes that this 'would seem to indicate that killing itself is seen as an impure act, to be avoided if possible, though such a sweeping connection has rarely been drawn by Muslims'.[61] Foltz seems to imply that, had Muslims explored this underlying theme further, they could have reached the point where vegetarianism might have become a preferred option. The foregoing discussion seems to corroborate the first part of Foltz's argument, but hardly the second.[62] Many jurists and theologians were, indeed, keen to extend as much protection as possible to nonhuman animals, and the mere fact that such debates took place indicates that the animal question was often approached with utmost thoughtfulness. This attitude, however, is mainly due to the insistence of the primary texts, particularly the Ḥadīth, on the theme of animal welfare. But whereas the Ḥadīth's insistence on the extension of many protections to animals is obvious, it would take a substantial interpretative leap to infer a preference for vegetarianism from it or from the Qurʾān. Nonetheless, considering how keen these primary texts are on preserving the well-being of nonhuman animals, it may be more useful to seek to understand this permissibility within the Qurʾānic worldview. The scriptural permissibility to kill animals for food is not necessarily indicative of anthropocentrism, even if it has often been interpreted in this way. After all, humans are not the only flesh-eating species, and meat consumption does not seem to make carnivorous species any less Muslim, according to various Islamic texts.

Anthropocentrism, it should still be noted, has characterised parts of the legal tradition. Ḥanafī scholars, in particular, not only prioritise the interests of human beings, but also perceive a correlation between humans' allegedly higher status and their entitlement to use other animals for humans' benefit. It is notable, however, that because of the Ḥadīth's emphasis on the subject of animal welfare, even Ḥanafīs could not afford to remain indifferent to this question. Thus, al-Kāshānī (d. 587/1191) states that owners of domestic animals are religiously (yet not legally) obligated to feed their livestock, offering as one of his justifications the fact that 'the Prophet proscribed the infliction of pain on animals'.[63] Anthropocentric views are occasionally encountered among other schools as well. Yet, Bousquet's statements that Islamic tradition perceives 'a difference of nature' between humans and other animals, and that 'God

61. Foltz, *Animals in Islamic Tradition*, p. 33.
62. For more on Foltz's opinions on Islam and vegetarianism, see his article, 'Is vegetarianism un-Islamic?', in *Food for Thought: The Debate on Vegetarianism*, ed. Steven Sapontzis (Amherst, 2004), pp. 209–22.
63. Abū Bakr b. Masᶜūd al-Kāshānī, *Badāʾiᶜ al-ṣanāʾiᶜ fī tartīb al-sharāʾiᶜ* (Beirut, 1986), 4, p. 40.

created animals to be at humans' service', is hardly representative of the entire spectrum of attitudes toward animals in medieval Islamic thought. Humans, in fact, were more often simply treated as one among other animal species. Furthermore, along with the anthropocentric thread, emphasised by Bousquet, Bakhos and Foltz, there has always been a theocentric (probably rather than an animal-centric) one that permeated the tradition. The mere fact that scholars engaged with the animal question in such depth, in my opinion, is indicative of this position.

As stated at the beginning of this paper, nonhuman animals in Islamic tradition are considered Muslim. This is not, perhaps, a view to which most nonhuman animals would object. Indeed, Foltz writes: 'Taking the long view of history, an average non-human animal might well have preferred to live among Muslims than among Christians.'[64] When one considers the differences between schools of law, it may be added that, being Muslim, nonhuman animals would also follow Shāfiᶜism, or at least they would prefer to live among Shāfiᶜīs. As shown above, Shāfiᶜīs are the most attentive to the well-being of nonhuman animals. This attitude can be explained partly by this school's methodology. In fact, the two schools that are more text-oriented, the Shāfiᶜī and the Ḥanbalī, are more attentive to nonhuman animals' well-being. Shāfiᶜīs and Ḥanbalīs, therefore, can more accurately be described as Ḥadīth champions than as animal champions. The two descriptions, however, are not mutually exclusive.

64. Foltz, *Animals in Islamic Tradition*, p. 5.

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Note: No account has been taken of al-, ᶜ (ᶜayn) and ᵓ (ḥamza) in the ordering of the index; personalities are ordered by their most common appellation if they have one (i.e. al-Ghazālī under G rather than Abū Ḥāmid al-Ghāzālī under A), otherwise by their 'first' name (e.g. ᶜAbd Allāh b. Ṭāhir); entries relate to references in the body of the text, footnotes excluded; some key ideas (e.g. vengeance) receive discrete entries; place names are ordered by their common English spelling (e.g. Cairo rather than al-Qāhira), and if none, then their Arabic spelling; groups are collated (Shāfiᶜīs, Shāfiᶜiyya, Shāfiᶜī school of law constitute a single entry; al-Shāfiᶜī, Muḥammad b. Idrīs is a separate entry).